

The English System of Restrictive Commercial Legislation

by George Frederick Zook

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THE ENGLISH SYSTEM OF RESTRICTIVE
COMMERCIAL LEGISLATION.



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General Reading References and Histories.

1. Adolphus, John. The History of England from the Accession to the Decease of King George III. 7 vols. London 1845.
2. Ashley, W.J. An Introduction to English Economic History and Theory. London 1888-1901.
3. Ashley, W.J. Surveys Historic and Economic. London 1900.
4. Blackwood's Magazine vol. 179, pages 21-35. article, "The Growth of the Cruiser".
5. Burnet, Gilbert. History of his own Times. 6 vols. Oxford 1823.
6. Burton, John Hill. A History of the Reign of Queen Anne. Edinburgh and London. 1882.
7. Beer, George L. The Commercial Policy of England toward the American Colonies. Columbia University Studies. Vol. III.
8. Bonnaissaix, Louis Pierre Marie. Les Grandes Compagnies de Commerce. Paris 1892.
9. Bright, J. Franck. A History of England. 3 vols. London, New York and Bombay. 1897.
10. Bruce, Phillip A. Economic History of Virginia in the 17th Century. 2 vols. New York 1896.
11. Burrows, Capt. Montagu. The History of the Foreign Policy of Great Britain. Edinburgh, 1897.
12. Campbell, John. Lives of the Lord Chancellors and Keepers of the Great Seal of England. 7 vols. London, 1845-47.
13. Carlyle, Thomas. Letters and Speeches of Oliver Cromwell. 4 vols. 1897.
14. Cheyney, Edward. P. Introduction to the Industrial and Social History of England. New York, 1901.
15. E. Hyde. ^{Earl of Clarendon} History of the Rebellion and Civil Wars in England. 6 vols. Oxford, 1888.
16. Cunningham, William. The Growth of English Industry in Modern Times. 2 vols. Cambridge, 1903.
17. Dictionary of National Biography.
18. David, J.P. A Study of the Origin and Development of Great Business Combinations -. 2 vols. New York, 1905.
19. Doyle, J. Andrew. English Colonies in America. 3 vols. New York, 1889.
20. Edwards, Bryan. History, Civil and Commercial of the British Colonies in the West Indies. 2 vols. London, 1794.
21. Egerton, Hugh Edward. A Short History of British Policy. London, 1897.
22. Encyclopedia Brittanica.
23. Gardiner, S.R. Constitutional Documents of the Puritan Revolution. Oxford, 1889.

24. Gardiner, S.R. History of the Commonwealth and the Protectorate. 4 vols. London, 1903.
25. Godwin, W. History of the Commonwealth of England from -. 4 vols. London, 1824-28.
26. Hallam, H. Constitutional History of England. London, 1870.
27. Lecky, William E.H. A History of England in the 18th Century. 8 vols. New York, 1890.
28. Levi, Leone. History of British Commerce -. London 1880.
29. Lindsay W. Shaw. History of Merchant Shipping and Ancient Commerce. v4 vols. London, 1874-76.
30. Mahan, Capt. A.T. The Influence of Sea Power upon History. Boston, 1894.
31. Mahon, Lord. History of England 1713-1783. 7 vols. London, 1853
32. Osgood, Herbert Levi. The American Colonies in the 17th Century. 2 vols. New York, 1904.
33. Palfrey, J. Gorham. History of New England during the Stuart Dynasty. 5 vols. Boston, 1876-90.
34. Rapin, *1785, 6 vols.*
35. Rosche~~35. Roscher.~~
36. Ranke, Leopold von. History of England. 6 vols. Oxford, 1875.
37. Scott, Eben G. The Development of English Constitutional Liberty in the English Colonies of America. New York, 1892.
38. Seeley, Sir J.R. The Growth of British Policy. Cambridge, 1903.
39. Southey, Robert. British Admirals. In Lardner vol. 5. London, 1833-48.
40. Seeley, Sir J.R. Expansion of England. Boston, 1882.
41. Traill, H.D. Social England. 6 vols. New York, 1894.
42. Unwin, George. Industrial Organization in the 16th and 17th Centuries. Oxford, 1904.
43. Weeden, William B. Economic and Social History of New England. 2 vols. Boston, 1890.

Sources.

1. Anderson, Annals of Commerce. London, 1801.
2. Calendars of State Papers. Domestic series, 4 series.
Colonial series, 13 vols.
3. Child, Sir Josiah. A New Discourse of Trade. Glasgow, 1751.
4. Cobbett, William. The Parliamentary History of England.
36 vols. London, 1807.
5. D'Ewes, *Simonds. Journals of the Parliaments of Queen Elizabeth.*
6. Grey, A. Debates of the House of Commons. 10 vols. London,
1763.
7. Harleian Miscellanies. 12 vols. London, 1808-1811.
Commission.
8. Historical Manuscripts, Reports.
9. Journals^s of the House of Commons.
10. Journals^s of the House of Lords.
11. McPherson, Annals of Commerce.
12. Luttrell, Narcissus, Brief Historical Relation of State
Affairs -. 6 vols. Oxford, 1857.
13. Ludlow, Edmund. Memoirs 1625-1672. 2 vols. Oxford, 1894.
14. Mun. T. England's Treasure by Forraign Trade. New York, 1895.
15. O'Callaghan, E.B. Documents Relative to the Colonial
History of New York. 14 vols. Albany, 1856.
- (16). Petty, Sir W. Political Arithmetic or a discourse
C Concerning the Extent -. In Arber, English Garner. Vol. 6.
17. Pitkins, Timothy. Statistical View of the Commerce of the
United States of America. New York, 1817.
18. Pepys, Samuel. Memoirs of the Royal Navy 1679-1688.
Cambridge, 1906.
19. Pepys, Samuel. Diary and Correspondence. 4 vols. Philadelphia,
1866.
20. Rymer, Thos. Foedera. 20 vols. London^f, 1726-35.
21. Scobell, Henry. A Collection of Acts and Ordinances. London,
1658.

22. Sheffield, John Lord. Observations on the Commerce of the American States. London, 1884.
23. Smith, Adam. Wealth of Nations. 3 vols. New York, 1901.
24. Statutes at Large, English. *Pickering*
25. Smyth, Albert Henry. The Writings of Benjamin Franklin. 10 vols. New York, 1907.
26. MacDonald, William. Select Charters and other Documents -. New York, 1899.

General Introduction.

For nearly two hundred years the most conspicuous feature of English commercial relations, was that series of statutes, known as the Navigation Acts. During that time they were almost the direct cause of several international struggles. We have only today abandoned the practise of fighting over national trade restrictions for the peaceful but no less bitter struggle of tariff wars. Nevertheless, England owes very much to the Navigation Acts for the beginning and development of her present commercial position, if not the supremacy of it.

It is only within recent years that students have found out what the Navigation Acts really were. In many cases Americans have been selfish enough to attribute many of the grievances of colonial days to this set of laws, but have refused to examine them as a whole and to see that they represented a commercial system, the development of which was natural at that time to every country of any commercial importance.

In general the Navigation Acts were a system of laws, by which the imports and exports of England and her colonial possessions were restricted as far as possible to English shipping. In other words it was a system of foreign exclusion so far as practicable. This brings us to the fact that the

Navigation Acts were only a part of a theory, which was at that time almost universally accepted, namely the ^{no-called} Mercantile ~~Theory~~ ^{System}.

According to the Mercantile Theory an exporter was a patriot, an importer an enemy to the country, for the reason that one carried money into the nation and the other carried it out. The prosperity of the country then depended on the amount of money within ~~it~~ ^{the realm}, ~~and to keep it there, they~~ ^{and Parliament} made the most stringent laws against its exportation. In the case of England, the problem was conceived to be all the more difficult since there were no mines of precious metals such as Spain possessed. It was therefore, the business of the exporter to get money in exchange for his goods and thus enrich the kingdom. To do this restrictions were placed on the trade of other nations, and whatever encouragement could be given to native agriculture and industries by protection from foreigners, was accorded. The object was to get plenty of native ships and sailors; an independent food supply at home; plenty of home industries to furnish employment for native artisans; and most important of all, to insure a sufficient amount of money within the kingdom. This same spirit which looked toward making one nation entirely independent of others, prompted all to reach out for sources of raw material, and inspired Spain to attempt for so many years the sole occupation of the Western Continent.

Had England not possessed a steadily growing number of colonies the problem would not have been the same. At the time of the passage of the first Navigation Act the commerce of these, as well as of Europe, was in the hands of the Dutch. So rich and diversified were the products of her colonies, that the mere possession of their trade was an immense step forward for England, and put her on an independent basis, which she had never before enjoyed. This was the immediate result accomplished by the Navigation Acts. English commerce continued to grow with the increase in colonial possessions and Great Britain was content to enjoy none other, until wishing to enter into the competition of the world, she was compelled to give up the last vestige of the Navigation Acts in 1848.

Another feature of the development of English trade was the simultaneous growth of a fighting navy. English rulers, before the Commonwealth, were continually making efforts to increase the commerce of Great Britain. Many laws were passed to restrict shipping to English vessels. They were either soon repealed, or so many licenses granted in opposition to their provisions, that the restrictions in many cases, were soon of no force. The nation was at that time depending upon a very small royal navy and the merchant marine to protect the commerce of the country. Indeed the merchant ships furnished the main basis of protection in time of war.

The distinctive characteristic of the legislation of Great Britain from the time of the Commonwealth is, that the development of an independent navy, forms a principal part in the restrictive system. As England increased her colonial possessions all over the world and consequently found herself in possession of great resources in trade, it became necessary that her plantations and merchant fleets should receive protection from the mother country. The rise of British commerce therefore commenced at the same time that England became recognized by other nations as a maritime rival and a great power upon the sea.

English Commerce before 1651.

It is not often that events which have most affected the world stand out in opposition to their times. They are rather the product of it, the development of which has been the growth of years, perhaps centuries. Nothing shows this more clearly than the commercial policy of a nation. When in 1651 Cromwell's famous act was passed, restricting importation of foreign commodities to English shipping¹, many provisions of like nature were then in force and had been at times during the 300 years preceding. These ideas, while they had never been consistently carried out for any great number of years, yet, furnish the basis for the great commercial system begun by the act of 1651.

It is to the reign of Richard II that we are indebted for the beginning of the policy. Owing to the very poor condition of the navy of England, Richard passed in 1381 a law restricting the exports and imports of the King's subjects to native shipping. The law was modified enough in the following year to allow foreign ships to be used when those of Englishmen were not sufficient or convenient².

The main provisions of Richard's act were again put in force by Edward IV. The economical Henry VII, in 1487, passed

(1). 5 Rich. II Stat. I C 3.

(2). 6 Richard II C 8.

a statute prohibiting the King's subjects from shipping in ships of aliens, when those of Englishmen were to be had.³ Merchant strangers were not subject to this provision.

In 1540 Henry VIII revived the statutes of Richard II and of Henry VII. Elizabeth in the first year of her reign repealed all the foregoing laws,⁵ but in 1562 she reenacted those of Henry VII, and from that time enforced such a policy throughout her reign. For the last time, before the Navigation Acts, the statute of Richard II was again put in force by Charles I in a proclamation of 1629.⁶

There were besides the reenactment of this general provision, different laws passed from time to time previous to 1651, with respect to the restriction of particular commodities to English shipping. Indeed certain articles were absolutely prohibited from importation, and certain others from exportation. Wines had been almost exclusively imported by Englishmen since the reign of Henry VII.⁷ Another example was that of grain, the exportation of which was confined to English shipping after 1564, but which article could also be prohibited from leaving the country whenever it exceeded a certain value. Another provision of 1472 required merchants to bring in four bow staves with every ton of merchandise.

(3). I Henry VII C 8.

(5). I Eliz. C 13.

(7). I Henry VII C 8.

(4). 32 Henry VIII C 14.

(6). Rymer I9-130.

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The reigns of James I and Charles I, which occupy the first half of the 17th. Century, continued to carry out the policy enforced at different times by almost every king since Richard II. On Oct. 24, 1621 the Privy Council directed that tobacco and all other commodities, from the colony of Virginia, should be first landed in England and the King's customs paid, before taken to any foreign country. In 1624 James prohibited the importation of tobacco in any but English ships.⁸ The instructions to the future governors, Wyatt and Berkely, directed them to enforce regulations similar to those of 1621. Charles I when he put the old laws of Richard II in force, with respect to certain commodities on March 7, 1629, lamented the great loss to English navigation which was the result of the neglect of that law.⁹ In 1641 a number of English merchants urged the government to pass an act prescribing a clear and well defined policy for the control of colonial exports.

Besides these examples, which seem to be the direct antecedents of Cromwell's great act, the appointment of a commission by James I on Oct. 20, 1622, shows how thoroughly the principles of the Mercantile System were already instilled into the commercial policy of the nation.¹⁰ The duty of this commission was to inquire how to prevent the exportation of wool, how bullion could be made more plentiful, how to preserve a right balance of trade by attending to exportation, how to

(8). Rymer 17-624,625.
(10). Rymer 17-414.

(9). Rymer 19-130.

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prevent importation in foreign bottoms, and how to make strangers spend the money received for their wares, in England. This commission does not seem to have made its report, but these ideas are sufficient to show what was the policy of the time.

When, in 1651, Parliament had vanquished the last forces of the Stuarts in the battle of Worcester, and found itself in complete possession of the governing power, it was confronted by the policy of the general Navigation Act of Richard II which was reinforced by Charles in 1629; by the restrictive policy on the shipping of such particular articles as wines¹² and grains; and by the exclusive and prohibitive ideas of the Mercantile System. It seems only natural then that Parli~~am~~ent should have again put in force all those provisions with respect to England's commerce. The apparent indifference with which the great act was received by the English people would lead one to think that they considered it merely the reenactment of a policy with which they had long been familiar. Indeed, even in the tumultuous times of the civil war, Parliament found time to turn its attention more than once to the same subject before the consummation in the act of 1651.

By an ordinance of May 6, 1645 the importation into England of whale oil or other products of the whale fisheries, was prohibited in any but English vessels manned by English seamen.¹² On Jan. 23, 1647 the same provision was extended by

(11). Rymer 19-94.

(12). Scobell 92 Cap? 53.

act of Parliament to all produce or manufactures coming from the plantations of Virginia, Bermuda, the "Barbadoes and other places in America"¹³. All customs, except the excise, were to be remitted for 3 years on all exports to the same places by English subjects, provided security ~~securities~~ was given for their delivery there. A blow was aimed at France on Aug. 28, 1649 and French wines, wool and silk were thenceforth excluded¹⁴ from England.

An ordinance of importance, as the forerunner of the first Navigation Act, was passed only the year preceding it on Oct. 3, 1650. In it, Parliament decreed all such colonies as the Barbadoes, Antigua, the Bermudas, and Virginia, which were upholding the cause of Charles I and his son and were giving the Dutch preference in trade, cut off from intercourse with the world. By special permission from the Council of State English vessels could trade with them. But, even in order to trade with the other colonies, all foreigners were required to secure special permission from the English government, lest they should carry enemies of the Commonwealth to those places.¹⁵

When Virginia and the Barbadoes submitted they were placed under like precaution. This act merely had for its purpose, that of compelling those colonies to recognize the supremacy of Cromwell's government. It was passed only two months later than a similiar one for Scotland, prohibiting intercourse or commerce

(13). Scobell II3 Cap. 70.

(14). Scobell 86 Cap. 54.

(15). Scobell I34 Cap. 28.

with England, which, likewise aimed to force that country into submission to the Commonwealth.¹⁶ The Council of State showed its attitude toward§ the Dutch government by appointing Sir Oliver Fleming to carry to the Dutch ambassador two or three copies of this act of Parliament prohibiting trade to the Barbadoes.

It is evident that many trade restrictions previous to 1651 show a particular analogy to the Navigation Acts; that the policy was often used to limit commodities to English shipping; and that the economic principles of the Navigation Acts, were already deeply rooted in the general acceptance of the Mercantile System. Indeed many such provisions were supposed to be in force in 1651. It is not an unnatural thing then, that the English should have followed to its climax the idea represented by the statutes previous to that time and the policy steadily pursued by all the European countries to a greater or less degree.

From the time of Richard II to Cromwell legislation limiting merchandise to English shipping literally had for its purpose the encouragment of navigation or the navy. "In order to increase the navy of England which is now greatly diminished" the act of Richard II provided for the exclusion of foreigners in the shipping trade of English subjects.¹⁷ Such was the purpose of those rulers Edward IV/ Henry VII, Henry VIII, and especially Elizabeth, who reenacted its principles in later years. Before

(16). Scobell 124 Cap. 21.

(17). 5 Rich. II Stat. 2 C 3.

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the English revolution there was practically no royal navy, although it has been said a beginning was made under Henry VIII. Every sovereign had to depend upon merchant ships which were at the same time war-vessels. It is obvious that the more ships employed in the transportation of merchandise, the greater was the naval strength. It was for this reason that the king was always directly interested in the increase of Navigation.

With these ideas of protection in mind special attention was paid to the fishing trade. It was thought that this occupation was the natural training school for the navy. Elizabeth made great efforts to encourage the fisheries by the exclusion of foreigners from the English market and by the imposition of prohibitive duties. Special fast days were also decreed, in addition to the usual ones, upon which people were compelled to buy fish. The success of statutes in her reign increasing the number of fishermen to 1000 additional men was pointed to with pride.¹⁸ Such men would be ready to serve in Her Majesty's navy in time of war. But the timid foreign pursued by Elizabeth, and her successor James I, was not sufficient to enforce restrictions and prohibitions upon foreign trade. Consequently, while such was to a great extent the policy of those rulers yet the inability to strictly carry it out caused little inconvenience to foreigners and no international wars. Success in the restrictive policy has always depended upon the Nation's power to enforce it and it was not until the time of Cromwell that the navy of England was

(18). Traill 3-363.

strong enough to do this. The growth of a stronger and more independent navy and Cromwell's power to enforce the Navigation Act of 1651 were the factors in insuring to England a greater place in the shipping of the world.

The Navigation Act of 1651.

On the 5th. of August 1651, Lord Commissioner Whitelocke, a member of the House of Commons from Great Marlow, reported to Parliament from the Council of State a bill for the 'Increase of Shipping and the Encouragement of Navigation'. It is probable that much was expected of the new law which was to almost completely prohibit foreigners from participation in the imports of Great Britain but it is certain that even those most familiar with its provisions little dreamed of its effect upon the history of the world or of the vast results which were to be accomplished for her commercially.

No statute of greater importance was reenacted in principle by Charles II than the Act of Navigation begun by Cromwell's revolutionary government; a government which consisted of a House of Commons already purged of all but about 50 members, or at most 120², and a council of State over both of which Cromwell's authority was recognized. The revolutionists in the House of Commons had taken up war with their king and overcome him. They had deprived the House of Lords of its existence and had taken solely upon themselves the task of governing England. This was the House of Commons of those stormy times which was even yet engaged in a serious conflict with Charles II and his supporters from the kingdom of Scotland.

(1). C.J. 6-617.

(2). Parl. History 3-1376.

In a letter of July 30 ¹⁴ to Cromwell who was then in the north of England preparing to meet the Scotch army, the Council of State indicated their intention to place an embargo on all goods imported into Scotland by the Dutch, if such a restriction would not be prejudicial to his army³. This seems to be all the notice Cromwell had of any intention on the part of his councillors to continue the policy begun the year previous in the embargo on the rebellious colonies of Virginia and the Barbadoes.

Such a bill was never introduced however. Instead there was brought in 6 days after this communication the Act of Navigation which did not apply to Scotland but only to England and Ireland and their dominions.

But the letter of the Council of State to Cromwell also indicated the rancour which was burning against the Dutch, who they said beat out their competitors in trade by underselling and afterwards repaired it at what proportion they liked when they had a monopoly of the market⁴. This state of mind on the part of the Council leads us to look into the relations between the Commonwealth and her Dutch neighbors.

Charles I was the father-in-law of the Prince of Orange. While the Prince did not have a unanimous following in the United Provinces, yet his influence was such that he could have strongly aided the King. Parliament therefore thought it desirable to stir up the kindred feelings of religion and freedom, for which both countries now stood. For this purpose,

and to effect some kind of an union between the two republics,⁵ Dr. Dorislaus was sent over to Holland in 1649. So strong was the feeling for Charles I, that Dorislaus was assassinated in the streets. This act provoked indignation in England, but in October 1650, the Prince of Orange died, and Parliament judged that his interests would no longer obstruct negotiations.⁶ Oliver St. John, much against his will,⁷ and Walter Strickland were accordingly selected as Ambassadors Extraordinary to the United Provinces.⁸ They with Isaac Dorislaus, who was going to seek evidence against his father's assassins,⁹ left England in March 1651.¹⁰

The English ambassadors found that the Dutch had secured valuable and exclusive fishing rights from Denmark only a few weeks before their arrival,¹¹ but they insisted on the former idea, that the Commonwealths should be confederated friends, joined and allied together, for the defence and preservation of the liberty of each.¹² The Dutch tried the patience of the English ambassadors, in dragging the negotiations, and in the end would not agree to their demands, ostensibly because Cromwell's power was at best not yet firmly established with Charles II preparing a new army in Scotland.¹³ The ambassadors also found that the union was not popular with the people and were several times assaulted in the streets.¹⁴ The English demanded reparation for

(5). Rapin 3-816.

(7). Ibid.

(9). State Papers 1651 - 58.

(11). Gardner 2-446.

(13). Rapin 3-816.

(6). Ibid.

(8). State Papers 1651 - 19.

(10). State Papers 1651 72.

(12). Ludlow I-267.

(14). Ibid.

¹⁵ this, and took measures to watch the Dutch fleet under Van Tromp.¹⁶

The result of the negotiation was a complete failure. St. John in his last audience with the committee of the States General said, that he perceived they were awaiting the issue of affairs in Scotland and that he was wrong when he supposed they would act honorably with his liberal overtures before that war was ended. Continuing he said, "take my word for it however, our Scottish campaign will soon be terminated as our warmest friends would wish, and you will then repent your having so lightly treated the proposals we have made".¹⁷ According-¹⁸ ly the ambassadors returned to England the last of June, full of bitterness against the Hollanders and believing them more in sympathy with their enemies in Scotland than with the Commonwealth.¹⁹

Dissapointment at the failure of his mission was very distasteful to the Lord Chief Justice St. John and it is said "he reported the transactions with the highest aggravations against the States, and thereby was a principal instrument in prevailing upon Parliament to pass and act prohibiting foreign ships from bringing any merchandise into England".²⁰ The report of the ambassadors however, was approved in every part by the Council of State²¹ and St. John doubtless found many sympathizers who aided him in striking the blow, which would cause the Dutch

(15). State Papers I65I-I30.

(17). Godwin 3-380.

(19). Rapin 3-816.

(21). State Papers I65I-273.

(16). State Papers I65I-I54.

(18). State Papers I65I-268.

(20). Ludlow I-267.

to repent their having "so lightly treated the proposals" the ambassadors had made. Parliament furthermore realized that if an alliance could not be made with the Hollanders it was their duty to effectually look after their commercial interests.

So, in spite of creating new enemies in addition to the Scots, the Act of Navigation was reported to the House of Commons on August 5, 1651 and read for the first time. It was read the second time on August 19, and upon the question being put, was committed to a committee of the whole house, which committee was to sit Thursdays of every week.²² In accordance with this order the committee was in session on Thursday August 21²³ and two weeks later on Sept. 4.²⁴ Thus it was that the bill was proceeding with unusual regularity.

It was upon this latter date, that the news reached London of the overwhelming victory which Cromwell had gained over the Scots on the day previous.²⁵ On the following day a swift vessel was ordered to carry the news to the Barbadoes, which had not yet surrendered to Sir George Ayscue,²⁶ the commander for the Commonwealth, in order to dishearten the opposition in that island.

The decisive defeat of the Scots at Worcester completely vindicated the authority of Parliament,²⁷ and it is said that Cromwell then readily joined in the desire to humble the Dutch.²⁸ This was probably not so, as Cromwell was not in favor of inviting trouble from Holland and if he consented to the passage

(22). C.J. 7-2.

(24). C.J. 7-II.

(26). State Papers 1651-410.

(28). Rapin 3-817.

(23). C.J. 7-5.

(25). State Papers 1651-409.

(27). Godwin 3-384.

of the Navigation Act, he probably thought it would be acquiesced in by the Dutch, as indeed scarcely any one contemplated it would cause a war. There may have been deeper motives too, than were shown, by those who wished to stir up a naval conflict in order to deprecate the importance of Cromwell and the army.

However this may be the Navigation Act was read on Oct. 9 for the third time. By amendments its main provisions were to be in force on Dec. 1 and the clause relating to exportation of fish on Feb. 1, 1653. Thus amended the act passed and was ordered to be immediately published and proclaimed.

Its provisions were as follows: no goods or commodities of the production or manufacture of Asia, Africa or America or any lands belonging to them whether of English or foreign possession, should be imported into England, Ireland or any lands belonging to the Commonwealth except in English vessels of which the master and mariners were for the most part people of the Commonwealth.

The same provision was extended to imports from Europe except that foreigners might bring in commodities produced in their own country. No goods of foreign growth should be imported by Englishmen, except from the place of their production, or the place from which they were usually shipped, except in the following cases; goods from the Levant Seas might be imported in English vessels although they were not laden at the place of their production; likewise the same provision with respect to all goods laden east and south of the Cape of Good Hope; also

Englishmen might bring in from Portugal or Spain all sorts of goods from any of their plantations; silk or silk wares which had come overland from Italy might be bought at certain Dutch ports or ports thereabouts and the same be brought into England in English vessels.

With respect to salted fish, fish oils and whale-fins, importation was prohibited except in English vessels, as was likewise their exportation after Feb. 1, 1653. It was further unlawful for any persons to ship fish, or commodities of any kind, from one port or creek to another in England, in ships of which foreigners were owners, part owners or masters.

Exception was made of bullion and none of the provisions apply to it or to goods taken by way of reprisal. The penalty for disobedience²⁹ of the act, was the forfeiture of all goods, and likewise the ship, in which the commodities had been imported with all its tackle, guns and apparel.²⁹

As far as language went, no distinction was made in the act (between nations) but it was easily seen to be directed at the Dutch.³⁰ By it the Dutch were effectively cut off from that carrying trade, which they had not only carried on between Holland and the English colonies, but also between England and her plantations as well. By the new law no imports could be taken to England, or to the colonies except of the production of their own country, and they had nothing but a few agricultural products to exchange for commodities of England and her plantations.³¹

(29). McDonald 110.

(31). Gardiner 2-147.

(30). Gardiner 2-147.

In fact the Hollanders had no business of consequence except the fishing and carrying trade, which were alike stricken by the English in this act.³²

In addition to this, the English gave evidence of their intention to enforce the law, by issuing letters of marque and reprisal in favor of certain merchants who complained of the injustice done them by the Dutch government, and it is said that more than 80 trading vessels were in consequence captured and brought into English ports.³³

After the battle of Worcester, the Dutch began to think they had acted somewhat hastily. The English had shown by the Act of Navigation and their letters of marque that they were no longer to be meddled with. Early in September, the States General sent addresses to Parliament and on Dec. 3 ambassadors arrived in England.³⁴ They requested that things might be as they were at the time of the English Ambassadors's departure from Holland, designing thereby that the Act of Navigation should be suspended and all such merchandises restored, that had been seized by virtue of it.³⁵ The propositions were referred to the Council of State on the 25th. of December, but they went on heavily.³⁶ Meanwhile by virtue of their letters of marque and in enforcing the Navigation Act, frequent conflicts took place between the ships of the two nations. At one time the Dutch placed an embargo on all English ships in Dutch ports which was enforced about a week.

(32). Gardiner 2-147.

(34). Godwin 3-384.

(36). Godwin 3-384.

(33). Godwin 3-383.

(35). Ludlow 1-299.

Another feature was, that Van Tromp, the Dutch Admiral, was an Orangist and consequently had little good feeling for the English. He persuaded the Admiralty Committee over which the States General seems to have possessed little control, to fit out a fleet of 150 vessels for the summer.³⁷ Parliament considered this a menace although the Dutch insisted that this was not the case.

On Feb. 21, 1652 the ambassadors submitted, with 36 other proposals, one which seems to have reference more especially to the act of Oct. 3, 1650 forbidding trade with the rebellious colonies of Virginia and the Barbadoes.³⁸ In reply the Council said that the people of England had always been strictly forbidden to trade in all plantations and places belonging to the United Provinces, "and as for their trading to any of the English plantations, it is forbidden by the late Act for the Increase of Navigation of this nation, from which we think not fit to recede".⁴⁰

Beside refusing to revoke the act, Parliament made the situation more complicated by reviving old claims for damages sustained at the hands of the Dutch in 1618 in the Indies and Persia, and at Amboyna in 1620, which claims according to Parliament amounted to 1,700,000 pounds sterling. The English also asked reparation for the murder of Dorislaus in 1649. In return for these satisfactions, Parliament offered to make an alliance on the basis of the treaty proposed by their envoys at the Hague.⁴¹

(37). Godwin 3-384.

(##). (40). Ditto I-486.

(41). Rapin 3-817.

(38). New York Col. Docs. I-437

To these terms the Dutch would not submit and it was evident that the English were determined on war. Indeed a dispute had taken place in October 1651, between a Dutch fishing ship and an English man of war, in which the English insisted upon the Dutch ship striking colors as an acknowledgment of English supremacy over those seas. This the Hollanders would not do. The dispute proceeded from words to blows, and the subsequent attempts of the Dutch ambassadors, to stop the impending war, availed nothing. In 1652 the conflict broke out in which Blake and Van Tromp contended for naval honors.

Economically the Navigation Act was injurious to English consumers, as it lead to an immediate rise in prices of foreign goods, and to a temporary decrease in trade between England and her colonies. English shipping was of course not sufficient and ship building increased enormously so as to render other established trades unprofitable.⁴³ The Navigation Act however, was the climax of the idea present in the minds of Gilbert and Raleigh of making England the center of a great naval empire.

The colonization of America was valued in the 17th. Century as furnishing a source from which England might develop a great carrying trade.⁴⁴ Furthermore the English were now able to retain it. By the defeat of the Spanish Armada, colonization was possible. In the war of 1652 the English showed they were the equal, if not the superior of the Dutch. Henceforth English

(42)). Traill 4-272.

(44). Gardiner 2-149.

(43). Cunningham 2-110.

(45). Ranke 3-68.

merchants might go to all parts of the world and be assured of protection from the English navy, while previous to that time even English merchants reluctantly entrusted their goods to English vessels when those of the United Provinces promised so much greater safety.⁴⁵

The Navigation Acts from 1660 to 1688.

After years of exile in Holland and France, Charles II came back to the throne of England in 1660. At his accession there were many things to¹ show that England was unconsciously entering upon a period of greater economic activity. The government of the Commonwealth had made itself felt in all parts of the world. New colonial possessions had been added. The adventures of Blake and Penn drew the attention of European powers while the outcome of the Dutch war had given credit to the English navy. The strenuous times of Cromwell seemed to awake the English to a greater activity in all lines and the commercial interests were perhaps the most influenced of all.

The colonies received special attention from the government by the appointment of a committee, for their management, at the head of which was the Lord Chancellor, Earl of Clarendon.¹ Later this committee was abolished and one from the Privy Council substituted,² which lasted until the famous Lords of Trade and Plantations received the definite control of the Kings possessions. The increased interest in the colonies also aided in the establishment of a banking system,³ the lack of which had hitherto been one source of Dutch supremacy. The absorbing interest in the commercial system also soon produced a number

(1). New York Col. Docs. 3-229.

(2). Ditto 3-32, 36.

(3). Traill 3-454.

of men like Mun, Child and Petty, who wrote pamphlets and treatises which are of great value today, in showing the attitude of the people toward that system.

In a period then of greater economic interest, and one in which the English began to be of greater world importance, the Navigation Act of the Commonwealth was reenacted with additions and was the basis of a policy which could now be effectively carried out in view of England's ability to enforce it on the sea.

After the restoration of Charles II some attempts were again made, on the part of the English, to effect closer relations between England and Holland. Efforts were also being made to secure a large loan from the Dutch.⁽⁷⁾ But the King had little good feeling for the Hollanders. He had not always found their borders hospitable and he hated it as a republic.⁸ Therefore it was not with great difficulty that the lower house of the so-called Convention Parliament, and the commercial interests in London prevailed upon him to renew the act of 1651.⁹ The bill for reenacting it was reported to the House of Commons by Mr. Shaw on the 15th. of August 1660. On Aug. 20th. it was read the second time and referred to the committee for Encouragement of Woolen Manufactures and Navigation, which shows its connection with an act prohibiting the exportation of wool.¹⁰ The bill was read for the third time on Sept. 4, and Sir George Downing, a

(6). Traill 3-454.

(7). Ranke 3-336.

(8). Mahan 100.

(9). Ranke 3-336.

(10). 12 Car. II C 32.

man who could easily adapt himself to every circumstance, was ordered to take it up to the House of Lords¹¹. Three days later it was passed by the Lords and signed by the King on Sept. 13.¹²

On this latter date in his speech to the King, at the adjournment of Parliament, the Speaker called attention to the Navigation Act, and said: "it is the only way to enlarge Your Majestys dominions all over the world, for so long as Your Majesty is master at sea your merchants will be welcome wherever they come, and that is the easiest way of conquering".¹³

The provisions of the new law show essential changes from the act of 1651. Henceforth, no commodities were to be imported or exported to or from English colonies except in English ships of which the master and 3-4 of the mariners were English, and no ~~aliens~~ could be merchants ~~could be merchants~~ in the plantations.

Goods of the plantations could be imported into England, Ireland, and Wales, only in ships of England or of the build and possession of the colonies. Foreign articles imported in English shipping should be navigated as stated above and shipped from the place of production. Goods from Russia, imports of masts, timber, boards, and all foreign salt, pitch, tar, rosin, hemp, flax, raisons, olive-oil, grains, sugar, pot-ashes, prunes, figs, vinegar, and wines were confined to English shipping; imports from Turkey were restricted to English built shipping, except that in both of the aforesaid cases such goods might be brought

(11). C.J. 8-151.

(13). Parl. Hist. 4-121.

(12). Rapin 3-852.

into England in ships of the build of the country producing such commodities, and of which the master, and 3-4 of the ~~mariners were of that country~~ mariners were of that country.

The prohibitions on the importation of foreign fish were removed and strangers were allowed to import such by payment of double alien's duty. The coasting trade was again reserved to English ships, 3-4 of the crew being English; and the same provisions were made for trade to the Levant Seas, and the East Indies, except English ships should be English built and manned as above. With a like crew the commodities of Spanish and Portuguese plantations, could as before be imported in English ships.

A new policy with respect to certain colonial commodities, called Enumerated Articles, was begun at this time. These articles were henceforth not only excluded from foreign shipping, but English ships were compelled to carry them to England or other English plantations. They were sugar, tobacco, cotton-wool, indigo, ginger, fustick and other dying wood. English ships sailing from England to the colonies and loading any of the aforesaid articles were required to give bond to import them only to England. The governors of the plantations were given specific directions to take such bonds and to execute the law, upon pain of forfeiture of their office.

Another new provision in the nature of administering the act, was prescribed by requiring the registration of all

foreign built ships, then owned by Englishmen before they could enjoy the privileges of English shipping. The penalty for disobedience was as before, the forfeiture of the ship with all its goods.¹⁴

Neither this act nor the act of 1651 apply to Scotland, as the union of the two kingdoms was as yet incomplete, and the Scotch were accounted strangers. Imports into England from Scotland however, were permitted in Scotch built ships, 3-4 of the crew being His Majestys subjects, without payment of alien's duty. In the following year the Scotch themselves passed an act to encourage navigation which was in effect the same as that of the English.¹⁵

In the same year the Navigation Act was continued.¹⁶ The Lord Chancellor said in his speech at the end of the session "how our neighbors and our rivals who court one and the same mistress, trade and commerce, with all the world, are advanced in shipping power, and an immoderate desire to engross the whole traffic of the universe is notorious enough; and this unruly appetite will not be restrained or dissappointed, nor the trade of this nation supported and maintained, with the same fleets and forces which were maintained in the happy times of Queen Elizabeth, not to speak of the naval powers of the Turks who instead of sculking abroad in poor single ships as they were wont to do, domineer now on the ocean in strong fleets."¹⁷ ~~they~~

(14). 12 Car. II C 18.

(16). 13 Car. II C 14.

(15). Anderson 2-465.

(17). Parl. Hist. 4-250.

On the 18th. of January 1662, a bill was reported to the House of Commons which provided some substantial changes in the Navigation Act. After much debate it was ordered taken to the House of Lords and alterations made by them were finally agreed to on April 28 in the lower house. Not only was provision made in this act for registering the ships but also its lading, its owners, and its master when importing goods. Captains taking charge of ships out of England whether foreign or English, could take no English goods until they had registered the names of the captain and master of the ship, its burden, number of guns, and the name of merchants shipping with the marks of their goods.

A formidable list of goods including wine, tobacco, spices, pitch, tar and rosin were prohibited from entering England upon any pretense whatsoever, in any ships from the Netherlands or Germany.

Provision was also made for suits arising under this act. Such cases might be prosecuted in His Majestys Court of Exchequer at Westminster, and commissioners could be appointed to take testimony beyond the sea.

Some interesting sections, which do not ordinarily receive comment, conclude this act. After Sept. 20, 1662 vessels exporting merchandise to any part of the Mediterranean sea beyond Malaga, or importing any goods from such places in any ships not

having two decks, or not carrying 16 pieces of ordnance should pay to the King 1% above usual rates. And to encourage the building of large ships it was provided that such persons as would build ships, of three and two and one half decks and which carried at least 30 pieces of ordnance, should receive for the first two voyages to foreign ports 1-10 of the customs paid to the King for all such goods imported or exported.¹⁸

The act of 1662 was succeeded in the following year by another one, which still further extended the restrictive system and showed especial regard for the commercial as well as shipping interests. Its purpose is well stated in the beginning of the fifth section when it asserts it to be "the maintaining a greater correspondence and kindness between them (the plantation and keeping them in a firmer dependence upon it (the English government) and rendering them yet more beneficial and advantageous unto it in the further employment and increase of English shipping and seamen, vent of English woollen and manufactures, rendering the navigation to and from the same more safe and cheap and making this kingdom a staple - of the commodities of other countries and places for the shipping of them; it being the usage of other countries to keep their plantation's trade to themselves".

The bill which had been read the first time on May 8, 1663¹⁹

(18). 13 & 14 Car. II C II.

(19). C.J. 8-478.

was reported to the House of Lords on June 18,²⁰ where it was referred to a committee and allowed to remain for a month. On the 15th. of July the House of Commons sent a message to expedite it.²¹ The House of Lords on the 24th. added an amendment providing further penalties for those disobeying the act prohibiting the planting of tobacco in England,²² a law which had been passed in 1660,²³ to compensate the colonists for the enumeration of that article among those permitted to be carried only to England. With this amendment the bill was agreed to on July 25.²⁴

By the new law, exports from Europe were now to be taken directly to English plantations from ports of England, Wales or Berwick on Tweed in English built shipping or such as had been bought before Oct. 1, 1662. Exception was made of foreign salt, wines of Madeira and of the "Western islands of Azores", and all victuals of Scotland and Ireland, which commodities might be carried from their ports of production by English built ships to the plantations. Speckle-wood or Jamaica wood was added to the list of Enumerated Articles.

Recognizing at last that trade cannot be conveniently carried on without bullion, it was made lawful to export coin or bullion, entry being made at the custom house of the same. A number of Lords however, could not reconcile themselves to the new principle and entered a protest against that which

(20). L.J. II-539.

(22). L.J. II-570.

(24). C.J. 8-532.

(21). L.J. II-561.

(23). 12 Car. II C 34.

"crosseth the wisdom and care of our ancestors in all ages"²⁵.
 For the better administration of the act no one should be permitted to lade or unlade goods in the plantations, until he should deliver to the govenor a true inventory of his goods, and a certificate showing the ship to be English built and navigated by an English master and 3-4 English mariners.

Another modification in the new law, was that of omitting Ireland from the list of those who might enjoy the trade to the colonies. Not only this, but importation of cattle from Ireland to England was afterwards prohibited²⁷ and, following this were the prohibitive duties placed on the exportation of Irish wool for the benefit of English wool raisers. At a still later time Irish mutton, lambs, butter and cheese, were excluded from England,²⁸ and thus a system of restriction and suppression was begun with the sister island, which ruined Irish trade for more than a century and at times caused the greatest distress all over the island.²⁹

In 1670 an act was passed which bears special relation to the policy of increasing the shipping and navigation of the kingdom. One obstruction to trade said the speaker of the House of Commons in 1664 "is a base practise of some seamen who are willing to be robbed by pirates that they may share in the prize" which prejudiced and diminished English navigation.³⁰ It was therefore

(25). L.J. II-571.
 (28). 2 Car. II C 2.
 (30). Parl. Hist. 4-295.

(27). 18 Car. II C 2.
 (29). Traill 4-620,621.

enacted that masters of ships should in the future be incapacitated for such duty. As an inducement to them to fulfill their duties, sailors wounded in conflicts were to be provided for by a levy of 2% on the goods carried by their ship; and in case they should capture a ship first attacking them they should be awarded the proceeds of the prize.

Besides this the inducements for building of large ships were renewed for 7 years and every ship of 3 decks built, with at least 30 pieces of ordnance should receive I-10 of the customs for merchandises carried on the first two voyages; and those built with 2 decks, above 300 tons of carriage and bearing 30 guns should receive I-20 of such customs.³¹

Another act of 1670 cites the fact that complaints had been made that the colonists had been transporting goods, in the list of Enumerated Articles, to European ports other than those of England. The penalty of forfeiture of such goods with the ship and all her tackle, was rehearsed and repeated.³² In the significant second part of an Act for the Encouragement of Greenland and Eastland Trades and for the better securing the Plantation Trade, the Restrictive^{System} received some additions in 1672. The trade to Denmark, Norway and Sweden was opened to all persons, and all subjects of England should be admitted to the Eastland Company upon payment of 40 shillings.

The most important part of the act however, is with respect (31). 22 & 23 Car. II C II (1). (32). 22 & 23 Car. II C 26 (18

to the Enumerated Articles of the Plantations. Hitherto such articles had been duty free in the colonies, while in England a duty was imposed upon them. Moreover not content with this the colonies had often contrary to law, exported such commodities to Europe. It was therefore provided, that any ship permitted by law to trade to the plantations which did not give bond to import such Enumerated Articles to England, Wales or Berwick on Tweed should pay customs duties. This amounted to imposing a duty on those articles, taken from one plantation to another. It was laid after the following rate: White sugar per cwt.-5 shillings, brown sugar - 1 shilling & 6 pence, ginger - 1 shilling logwood - 5 pounds, fustick and dying wood - 6 pence, tobacco - 1 ~~pence~~^{penny} per lb., indigo - 2 pence, cocoanuts - 1 ~~pence~~^{penny}³³. It will be noticed that Speckle-wood or Jamaica wood, enumerated in the act of 1663, was not mentioned in this act. Cocoanuts however are added to the list.

^{Under} James II who was intensely interested in the affairs of the navy ^{there were} passed in 1685 two laws for its benefit. The first laid additional duties upon imports of tobacco and sugar for eight years. This money was to be used to make repairs in the navy, the navy stores and the ordnance. ³⁴ The second provided that all foreign built ships bought and employed in the coast trade should pay 5 shillings per ton over that paid by English built

(33). 25 Car. II C 7.
(35). 1 James II C 18.

(34). 1 James II C 4.

ships.³⁵

The Navigation Acts in the 17th Century have been condemned by modern economists as being due to a false commercial policy. Nevertheless they have their place in the economic history of England. It was no doubt true that merchants saw goods increase in value, caused by the operation of the acts.³⁷ The restriction of trade in any way will always produce this effect. To most English people however, the important thing as Josiah Child said, was that "the Dutch were beating us out in every quarter".³⁸ The Navigation Acts therefore struck squarely at the commerce and navy of the Netherlands.³⁹ They must then be judged, as to their success in transferring the carrying trade of the world to Great Britain and in furnishing effective aid in the developement of the English navy.

In both of these objects it is undeniable that their aid was very great. After their passage England's maritime resources steadily increased while those of Holland declined.⁴⁰ About 1666 Sir Henry Petty estimated the whole of the shipping of the world to be 2,000,000 tons, of which the Dutch had almost 1-2 and the English 1-4.⁴¹ About the same time Josiah Child said, "we ship off 1-3 part more of manufactures, tin and lead" and "we have now more than double the quantity of merchant shipping

(37). Egerton 73.

(39). Weeden I-233.

(41). Lindsay 2-200.

(38). Lindsay 2-195.

(40). Lindsay 2-195.

than we had 20 years past"⁴². Not till late in the 17th Century did Holland begin to show signs of defeat.⁴³ But said Sir William Coventry in 1673 "since the~~the~~⁴⁴ Act of Navigation we have grown upon them, not they upon us". London was becoming what Amsterdam had been - the chief emporium of the world.⁴⁵

The assistance of the Navigation Acts to the navy was as evident as their aid to merchant shipping. The developement of the English navy would not have been possible had not the sailors and inddeed sometimes the ships of the merchant marine been at the disposal of the government.

That the ordinance of 1651⁴⁷ and indeed the later acts of the 17th Century were not framed in a spirit of hostility to the colonies is clear. Between England and her colonies there was a real interchange of service in which England gave defense in return for trade privileges.⁴⁸ The policy of Charles II through his chief minister Earl of Clarendon was to encourage and improve the plantations, because he soon came to realize of how much importance in revenue they were to the King.⁴⁹

Whatever may have been the defects of the Navigation Acts as an economic policy, they at least succeeded in that for which they were intended. Before their enactment the trade of the world was in the hands of the Dutch; afterwards, though not of course at once, England became the great carrier of Europe.

(42). Child XXIV.
 (44). Grey's Debates 2-203.
 (47). Egerton 61.
 (49). Egerton 68.

(43). Seeley 86.
 (45). Lindsay 2-195.
 (48). Seeley 65.

The developement of a colonial empire and the power to protect her shipping in all parts of the world laid the foundations of a successful empire in trade.⁵⁰

(50). Weeden I-239.

The Relation of the Colonies and the Navy to the
Commercial Policy of England.

The colonization of the new world by the Spaniards was begun at the beginning of the 16th Century. They rapidly secured possession of the West Indies, Mexico, Central and most of South America. Everywhere they went, they sought the riches of gold and silver which were to be found in their conquests. These articles were carried to Spain by the ship-load and furnished the financial basis of the ascendancy of the Spanish power in the 16th Century.

The English permitted Spain to enjoy the exclusive possession of the new world for almost a century. Then Sir Walter Raleigh dazzled by the hope of a share in the gold of America made repeated attempts to locate new sources of such wealth. The colony established in 1607 in Virginia, was almost exterminated early in its existence because it contained too many who wished to hunt for gold rather than provide food for themselves. The English, however, were unsuccessful in this search for gold in America. They had to confine themselves to the cultivation of the soil and to the formation of governments under great and discouraging conditions. But the religious troubles in England made many willing to submit to the uncertainties of the new world, in order that they might worship

as they pleased. Thus under the persecution of James I and Charles I, the Puritans founded the colonies in Massachusetts and, persecuted in turn by Cromwell and the rebellious Parliament, the Catholics sought refuge in Maryland.

For a time America presented the aspect of an asylum for religious refugees. But the motives of the English government were not to establish such places for its discontented. Colonies are always founded by a government with the hope of reward. Although the very possession of land outside a nation has always been counted a source of strength, yet, in the 17th Century colonies were useful only as they contributed to the well-being of the mother country.; and this well-being, as Spain and Holland found out, consisted in enjoying the exclusive possession of the trade of their plantations. Realizing this James I first directed that the tobacco of Virginia should be shipped only to England¹, and then three years later that it should be brought only in English ships.²

By the time of the first Navigation Act, England possessed colonies in Virginia, Massachusetts, Nevis, Montserrat, Antigua and the Barbadoes, while the East India Company had secured Madras and other places in India. The expedition of Penn and Venables added Jamaica to these during the Commonwealth. In the reign of Charles II, charters were granted to New Jersey, Pennsylvania and the Carolinas. New York was secured from the

(1). Rymer
(#). Egerton 105.

(2). Rymer I7-624,625.
(+).

Dutch in 1664. By the marriage of Charles II into the royal family of Portugal, the important posts of Tangiers and Bombay were added to the English possessions. Besides these new colonies several patents were issued to trading companies, by which the English came into possession of other territory. Among these were the Royal African Company, which was mainly employed in transporting slaves ~~from~~ west Africa to the West Indies[#]; and the Hudson Bay Company, whose charter assigned them "the lands, countries and territories upon the coast of Hudson Bay"⁺.

The acquisition of these possessions all over the world, and England's consequent interest in the trade of her colonies, leads to the consideration of a question, of more importance than has been ascribed to it. This is the element of protection. England could no longer be satisfied with a navy, whose strength was no greater than that in the time of Elizabeth, even had the mere retention of her plantations been the only object in view; but for the far greater one of protection to a growing colonial commerce and one restricted to English shipping, it became essential that measures should be taken to increase the naval strength of the country. It is a significant fact, that at the time of the passage of the Navigation Act the English navy began to be of importance.

Before the Spanish Armada, England could not pretend to take any high rank among maritime nations of renown.³ According to

(+). Egerton.

(3). Seeley 83.

Pepys, the English fleet, upon that occasion consisted of 176 ships⁴, but all of these, with the exception of about 33, must have been merchant vessels pressed into service for the occasion⁵. Elizabeth left a fleet of 42 ships⁶, but under James I this number decreased to 32 in 1624. In the reign of Charles I, the navy consisted of 40 ships. In the struggle which ensued, between the King and Parliament, 25 of these remained loyal to the King under the command of his cousin Prince Rupert, so that when Cromwell assumed control of the government, he found only 14 two decked ships⁷.

But Cromwell appointed, to a share in the chief command of the state's navy, a man whose subsequent career is among the most remarkable of English seamen. Robert Blake who commenced his duties, a few days after the execution of Charles I, immediately began to show that untiring energy which characterized the remainder of his career. He blockaded Prince Rupert in Kinsale on the Irish coast in the summer of 1649, and upon his escape from thence, Blake pursued him to the Tagus river in Portugal, through Gibraltar and up the coast of Spain to Cartagena, where he destroyed all but three of Prince Rupert's ships. These escaped to the West Indies⁸. This entry of Blake's fleet into the Mediterranean was a great thing in itself, since it was said to be the first appearance of an English fleet in

(4). Ency.Brit. article, "Navy".

(6). Lardner Brit.Admirals 5-209.

(8). Dict.Natl.Biog. "Blake".

(5). Blackwood's Jan.1907-21.

(7). Ency.Brit. article Navy.

in that region of the world, since the time of the Crusades.⁹ Several years later after the first Dutch war, in a second visit to the Mediterranean to suppress the pirates, ~~he~~^{Blake} visited Leghorn, and there demanded indemnity from the Duke of Tuscany and the Pope, for injuries done to English merchants.¹⁰ Next he sailed to the Barbary states where he destroyed a fleet of pirates in the harbor of Porto Farino. Algiers was forced to submit, and an advantageous treaty was secured from Tripoli.¹¹ For the first time the Mediterranean powers, France and Spain, were given to understand that Great Britain was resolved to open out her commerce in that part of the world, and, that if they could not suppress the nests of pirates on the coasts of Africa, England would take the task upon herself.¹²

The injuries which these pirates inflicted upon European commerce were sometimes very great. They ravaged the seas for prizes, pillaged the ships, and carried off the men in lifelong slavery. The Dutch in bringing their merchant fleets from the East Indies, were accustomed to send a convoy of war vessels down the coast of Africa to guard them from these sea rovers.¹³ Charles I endeavored to bargain with them for the release of English subjects, and, In 1626 sent Captain John Harrison to negotiate for their freedom. He was so far successful that he was sent upon a similar mission two years later. But there could be no hope of stopping this infamous treatment by such methods.

(9). Seeley 81.

(11). Traill 3-264.

(13). Cunningham 113.

(10). Seeley 2-11.

(12). Burrows

It will be remembered with particular interest in this connection, that one excuse for the levying of ship money under Charles I, was the fear of the pirates of the Mediterranean.¹⁴

Much of the same condition began to prevail in the West Indies. The colony of Hayti was practically secured to France by the settlement of French pirates upon that island. Spanish commerce became the prey of all other nations who wished to share in the riches of the 'Spanish Main'. The brave Elizabethan seamen, Frobisher, Drake and Hawkins, who did service against Spain, were really pirates or buccaneers whose occupation was justified by the fact that they were fighting Spain. For purposes of safety and control, the Spanish fleet was limited to two regular fleets per year, along with which went a convoy of war vessels.¹⁵ During the unsettled times of 1655 English vessels from the Barbadoes, were also compelled to sail in fleets for their mutual protection.¹⁶

These were the dangers to which the merchants of all nations found themselves exposed. But at the passage of the Navigation Act, the English government found itself face to face with the Dutch, whose supremacy over the seas was at that time unquestioned. By this act the Dutch were deprived of a rich trade in the English colonies which they had been permitted to enjoy up to that time, and there is no doubt but what

(14). Cunningham II4.

(16). Weeden I-243.

(18).

(15). Roscher 33.

(17). Blackwood's Jan. 1907-22

its passage precipitated the Dutch war in 1652.

The English fleet had been constantly increased by the building of new ships, particularly of a large type.¹⁷ Blake,, upon his return from the Mediterranean, busied himself in the reduction of the Scilly islands,¹⁸ and in guarding supplies from reaching the enemies of Cromwell in Scotland. Thus within 3 years a navy had been created, which was strong enough to defy the world's greatest maritime power. In the battles which ensued the English fleet was generally outnumbered, but they made up for it in size and fighting power.¹⁹ In 1652 Blake came off successful from two engagements, but could not prevent the passage of the Dutch convoy fleet in November. The English however, again took possession of the Channel, and, during the winter the fleet was further recruited so that at the height of the Dutch war, it had grown to 204 in sail.²² From the year 1649 through 1654, 45 Capital ships or war-vessels of the largest size were built, while during the same period 25 cruisers were put into service. This does not include 33 Capital ships, and 15 cruisers, which were either bought or taken in the Dutch war.²⁰ The remainder of the navy was made up of hired merchant ships or smaller craft. But the navy proper was at least 3 times greater in number than it had ever been before. Besides this the Capital ships grew in size so that the smallest built after the Dutch war were as powerful as the largest launched before it.²³

(17). Blackwood's Jan. 1907 p/22.

(19): Seeley 2-34.

(22): Traill 3-264.

(18). Dict.Natl.Biog. "Blake"

(20): Blackwood's page 22.

(23): Blackwood's page 22.

The English emerged from the war with advantages in their favor. The Dutch had found that their ships were inferior in size to the English, that they bore lighter guns, and carried fewer men. It was moreover evident that a principal weakness in their navy was its administration, which was divided against itself in its republican and Orange sentiments, and whose management was intrusted to the Admiralty Committee, over which the States General seems to have possessed little control. The Navy of the Commonwealth had on the other hand, been put by Cromwell under the careful control of very able men,²⁴ the efficiency of whom needs no better proof than the creditable outcome of the Dutch war.

The great thing that characterized the leaders of the Commonwealth was action. Immediately upon the end of the Dutch war, Cromwell was observed to be preparing several fleets, ~~and~~ although it was certain, that England was in no danger of being attacked.²⁴ The object was no less than an attack upon the Spanish colonies in the West Indies. Cromwell had listened to accounts of discontented Spaniards concerning the feeble condition of their defense. One man had even proposed that a small fleet round Cape Horn and conquer Chili.²⁵ Cromwell no doubt was influenced by their representations, for he immediately began to fit out, under Vice Admiral Penn and Venables, an expedition of

(24). Seeley 2-268.
(26).

(25). Anderson 2-432.

30 ships of war and 4000 land forces.²⁶ The instructions given were of the widest latitude. They were simply to "gain an interest in that part of the West Indies in the possession of the Spaniards".²⁷ Accordingly they set out for the Barbadoes from whence they directed an attack upon Hispaniola, but being repulsed they sailed for Jamaica, which they took without much opposition. In the same year Cromwell's ships reduced Nova Scotia which was held for some time and then given back to France.²⁸ A small expedition had also been partially executed against New Netherlands, during the Dutch war, but the news of peace prevented the design.²⁹

The attack upon the West Indies provoked active hostility with the Spaniards. Blake came in contact with them in the Mediterranean, upon his visit to suppress the pirates in 1655. The Spanish navy was crippled in this engagement.³⁰ The next year however, Blake executed a feat which was a fit ending to a naval career, which though short, had revealed to England what she might be at sea.³¹ With a fleet, no larger than that of the Spaniards, he forced the harbor of Santa Cruz, in which the Spanish fleet thought themselves secure. Attacking them, he destroyed and burned them all without any loss to himself.³² This was his last notable service to the English navy. The war ended with every advantage in favor of England, and the

(26). Anderson 2-432.

(28). Anderson 2-429.

(30). Lindsay 2-189.

(32). Dict. Natl. Biog. "Blake".

(27). Dict. Natl. Biog. Venables

(29). Palfrey 2-284.

(31). Traill 3-264.

subsequent treaties of peace in 1667 and 1670 gave England privileges in trade which had never before been enjoyed by any other nation.³³ In fact Spain recognized and confirmed for the first time the possessions of the English in the West Indies.[#]

Such was the growth of the sea power of England in this period. A trained navy had been formed no less successfully than Parliament had formed an army in the civil war.³⁴ Under the command of the 'land Admirals' Blake, Penn, Monck and Lawson, so-called because of their lack of previous sea experience, an enthusiasm was instilled into the navy hitherto unknown. The great series of victories won by them made it famous and from that time forward the navy became the nation's favorite.³⁵ England had met both Spain and Holland upon the sea, and with the exception of the Spanish Armada, had proved for the first time, her right to be considered a worthy rival of the maritime supremacy of Holland and Spain.

The effect was immediately perceived upon all the nations of Europe. Portugal was ready at the conclusion of the Dutch war, to make a favorable peace with Cromwell in which were several articles giving England advantages in trade. Freedom was extended to English vessels, in a greater degree than ever before, to trade with her colonies in Brazil and India. English merchants were freed from trouble and loss in lading and un-

(33). Parl.Hist. 4-458 and
Anderson 2-502.
(35). Seeley II3.

(#). Anderson 2-470.
(34). Seeley 2-21.

lading their goods in Portuguese ports.³⁶ It was about this same time also that the Dutch were finally excluded from their settlement in Brazil.

Cromwell also succeeded in making a treaty with the Queen of Sweden, which related to the general freedom of commerce and navigation on both sides.³⁷ This was another blow at the Dutch, who had made an alliance with Denmark³⁸ to exclude England from the entrance to the Baltic. It served its purpose. Denmark at the close of the Dutch war was willing to make a treaty of peace and commerce with Cromwell, by which England was favored as much in the customs and tolls for passing the sound as were the Hollanders.³⁹

The importance of this interest in the Baltic was very considerable. England was at this time awakening to the consciousness of her maritime and commercial opportunities. What the Dutch had done in trade and colonies she began to realize that she could do also.⁴⁰ Parliament and the people saw clearly the necessity of maintaining at all hazards the maritime superiority of England with whatever means were within their reach.⁴¹ But to do this she must manufacture, maintain and continually renew an instrument which requires an unfailing supply of certain materials, namely a fleet;⁴² ~~and those materials,~~ and those materials, timber, tar and hemp were in those days

(36). Anderson 2-428.
(38). Seeley 2-51.
(40). Seeley 2-39.
(42). Seeley 2-39.

(37). Anderson 2-429.
(39). Anderson 2-428.
(41). Lindsay 2-139.

only to be procured in the Baltic.

Henceforth the Dutch were not to enjoy an exclusive monopoly of these ship-building materials. The English had directed the Navigation Act against the naval supremacy of Holland;⁴³ to maintain it they found themselves entangled in a war with the Hollanders, in which the building of a fighting navy was very necessary; and to encourage the building of ships, the stores of the Baltic were now open to English seamen by the treaty with the Queen of Sweden.

Thus, the importance of the Commonwealth was not only to begin that policy of restriction of English shipping to the people of England but it gave new territory in the West Indies from whence such trade should come; it cowed the pirates of the Mediterranean in their own seas; but as great as these was the rise of an independent navy, which henceforth was the equal if not the superior of any in the world, and which from this time on provided the opportunity for the developement of English ~~shi~~ shipping.

At the accession of Charles II, after years of exile in Holland and France, the navy of the Protectorate passed quietly into his hands. It numbered at that time 128 sail of all classes.⁴⁴ The King's brother, the Duke of York who became king at the death of Charles II, was made Lord High Admiral,

while Prince Rupert continued to hold a responsible place in its management.⁴⁶ The Navy Board was reformed under their care and regularity enforced in its administration.⁴⁵

The reign of Charles II represents a period of almost continuous naval activity. An expedition was immediately fitted out against the piratical states on the northern coast of Africa, which forced them into a peace with England.⁴⁷ The possession of Tangiers in Africa and of Bombay on the coast of India, both a part of the Queen's dowry, had also added new responsibilities and presented new fields of naval activity.

Tangiers was regarded as the place where the English fleet would be stationed, in order from thence to control the trade to both Indies, as also the traffic to the Mediterranean; for, England now holding Jamaica and the Barbadoes in the West Indies and Bombay and Madras in India, nothing but the inability to secure them against foreigners could prevent the extension of their trade to all parts of the world.⁴⁸ With a view to protecting his new acquisitions in the east, Charles sent the Earl of Marlborough thither with 5 ships of war and 500 soldiers, and after some difficulty with the Vice Roy of Goa, they succeeded in getting absolute control of Bombay in 1664.⁴⁹ This visit to the far East is important in being one of the first times English war-vessels were ever seen in those seas.

(45). Traill 3-384.

(47). Rapin 3-864.

(49). Anderson 2-469.

(46). Ency. Brit. "Navy".

(48). Ranke 3-384.

In speaking of the increased revenue for the maintenance of Dunkirk which had been taken from the Spaniards in 1658, and of the other new acquisitions by reason of the Queen's dowry, the Lord Chancellor in 1661 characterized them as "jewels of an immense magnitude in the royal diadem" for did not many he said "remember what they had lost by Dunkirk and should always lose, as long^g as it ~~was~~ in the hands of the enemy; or did none consider the vast advantages" which Bombay, Tangiers and Jamaica would bring in a short time "to the trade, wealth, navigation and honor of the kingdom?"⁵⁰ The King however so far forgot this excellent advice concerning Dunkirk, as to dispose of it in the following year to the French King.

Besides the protection of these new possessions, England soon found that the Dutch had by no means given up the struggle for the mastery of the seas, and that they meant to renew it whenever opportunity presented itself. As early as 1662, there was great fear of a renewal of the war, and Samuel Pepys in his usual propensity for talking, describes the inability of the English to send out scarcely any fleet at all.⁵¹

Another war however could not be avoided. One reason for the decrease in trade reported to Parliament in 1664, was the insufferable indignities practised upon English merchants in the East and West Indies, Africa and Turkey, in which ~~English~~

English subjects had within a few years been despoiled to the value of 7 or ~~£400,000~~⁵² 800,000 pounds. His Majesty described in his narrative to Parliament the Dutch situation. The Hollanders had restrained English ships from taking on cargoes at the island of Porcatt. The same thing had been done in the West Indies; and on the coast of Guinea where the most serious dispute was, similiar conditions of hostility prevailed. At last his patience was exhausted and he declared his intention of sending Prince Rupert to the Guinea coast to protect his subjects. This was no sooner known to them he continued 'than their wrath was much abated, and they had a wonderful desire to preserve the peace between the two nations'⁵³. This desire for peace however, continued only until they themselves, could despatch a fleet to the coast of Africa. But Charles anticipated a formal declaration of war in 1664, by seizing a fleet of Dutch ships from Bordeaux laden with wines, and conveying them

⁵⁴
into port as lawful prizes.

⁵⁵
War was not declared until March 14, 1665. The Duke of York was placed in command of the English fleet which consisted on 107 men of war and 14 fire-ships.⁵⁶ In the engagements which ensued the advantage was part of the time with the English, and part of the time with the Dutch. In the battle of June 1, 1666

(52). Parl. Hist. 4-295.

(54). Lindsay 2-191.

(56). Rapin 3-870.

(53). Parl. Hist 4-300,301.

(55). Bright 2-701.

the English were especially great losers, but they again resumed possession of the sea in the following July by driving Van Tromp into port and ravaging the coast of the Netherlands.⁵⁷ In July of that year the treaty of Breda put an end to a very stubbornly contested war. The English although they could not claim victory over the provinces, yet had maintained themselves on the sea in spite of the wastefulness of Charles II in spending in riotous living the money granted to him by Parliament, for the prosecution of the war.⁵⁸ Moreover the English retained possession of New York which had been taken in 1664, thus giving them new interests in America.⁵⁹

In 1665 the Privy Council had discussed the suspension of the Navigation Acts during the war. They had been pressed to do this by merchants trading to France, Flanders and Holland. A suspension was granted for Germany and the states of the Baltic but not for the colonies.⁶⁰ This suspension was not noticed much at the time.⁶¹

Although France had joined Holland for a brief time in the Dutch war between 1664 and 1667, yet in the end the Hollanders were deserted by Louis XIV at the peace of Breda. Charles II became friendly with the French King. The Earl of Clarendon who had been the chief adviser of the Crown ever

(57). Lindsay 2-192.

(59). Traill 3-377.

(61). Parl. Hist. 4-498.

(58). Bright 2-736.

(60). Weeden I-236.

since the restoration, was sacrificed to the wrath of both Parliament and the King and ultimately in the latter part of 1667 impeached by the House of Commons and banished from the country. ⁶² The so-called "Cabal" ministry took his place. While many English interests tended to an alliance with other powers for the prevention of the designs of Louis XIV against Holland and Spain, Charles II came more and more under the influence of the ambitious king of France and finally signed the famous secret treaty of Dover May 22, 1670. By this treaty he not only agreed to the extension of Catholicism in England, but also to aid Louis XIV in his designs against the Dutch republic, in return for which Charles II was to have an annual pension of 3 million francs.

In the autumn of the same year efforts were made in Parliament to increase the efficiency of the navy. It was hoped said Lord Keeper Bridgman on the 24th of October, "that Parliament would not be content to see England's neighbors strengthening their shipping so much more than it had been, and that of England" not equal to theirs. The French, he said, had increased their strength by sea, 3 times what it had been, and the Dutch had been very busy also in augmenting their fleets. ⁶⁴ No matter what is done, said Sir Richard Howard on the 18th of November, "if the French increase their ships as they do, they (62). Bright 2-739.

63

will get trade and something else from you". In view of this, even common prudence required that the King make preparations, at least to keep pace with his neighbors if not to excel them in the number and strength of their shipping; for England being an island, their welfare depended upon their force at sea. 50 ships were accordingly to be prepared by spring not including those sent to the Mediterranean for the security of English merchants in that sea. 64

In accordance with the treaty of Dover, England commenced hostilities against the Dutch republic on the sea in 1672 as an ally of the French King. Although the Dutch won several brilliant victoriss over the combined fleets of France and England, yet the persistent hostility of Louis XIV made it impossible for anything to save Holland from decline. 66 The knowledge of the secret treaty with Louis XIV made the war so unpopular in England that supplies were refused to carry it on, at which Secretary Coventry sarcastically remarked, "you will give no money and have no fleet; which way will you secure the plantations and Tangiers". 67 By this exercise of their power however, Charles II was forced to make peace with the states on Feb. 9, 1674. Although New York had been taken by the Dutch, it was restored to England by the treaty. 68

(63). Grey's Debates I-293.

(65). Ibid.

(67). Grey's Debates 2-199.

(64). Parl. Hist. 4-457.

(66). Mahon 69.

(68). Bright 2-743.

During the period of hostilities the Navigation Act was again suspended by royal will; a measure which was useful to commerce while all the seamen were employed on board the royal navy.⁶⁹

At the end of the war with Holland the English navy numbered 100 sail of all classes.⁷⁰ Mr. Pepys said in Oct. 1675, that it was the best fleet the kingdom had ever known and that more ships had been built during the last 5 years, than in any like period before that time.⁷¹ The King however, on Feb. 15, 1677 proposed to Parliament the building of more ships, and called attention to how much England's welfare depended upon it.⁷² In the following January he said, that the mainatinance of ~~40~~ 90 ships of the largest size was necessary, and that he had made provisions for the greater safety of the colonies and of the islands nearer England.⁷³

The ships which were commenced at the suggestion of the King numbered 30 and included only those of the first three rates in size.⁷⁴ Mr. Pepys placed the number of ships of all classes at 83 in Aug. 1678.⁷⁵ In April 1679 it had fallen to ⁺76.

Charles II however was responsible for the neglect of his fleet during the last years of his reign. Quarreling with his parliaments and busy prosecuting those suspected of plots

(69). Parl. Hist. 4-498.

(71). Parl. Hist. 4-752.

(73). Parl. Hist. 4-897.

{#}, Pepys Memoirs of Navy 3.

(75). Egerton II2.

(70). Blackwood's page 24.

(72). Parl. Hist. 4-807.

(74). Blackwood's page 23.

(+). Pepys Memoirs Navy 4.

against his life, he took no interest in the navy. In May 1684 [#] only 24 ships were at sea, none of which were above fourth class. Besides this he weakly evacuated Tangiers on the northern coast of Africa, after more than 20 years of occupation. Fortunate for England however, he was not engaged in any foreign conflicts. But the situation was serious, for in the same years there was a great developement in French ship-building ⁷⁶ and it was probably not difficult to see that France was to be England's rival on the sea in the future.

Happily James II was a sailor and the few years of his reign were busily employed in rebuilding the fleets ⁷⁷. A special commission was appointed in 1686 to restore the navy to its former strength, which they did in 3 years at an annual expense of 400,000 pounds ⁷⁸. James himself never ceased to give it his attention, and at the end of his short reign it reached 108 sail in number and including fire-ships, hoys etc. 173. ⁷⁹

Although the King was such an enthusiast ^{for} of the navy, and had been popular as an admiral, yet few in the fleets ^{for} championed his declining cause. There is a curious irony in the fact that the navy as a whole went over to William and Mary at their accession, without much hesitation, and that the 'Sailor King' did not carry away with him a single man of war. ⁸⁰

(76). Egerton II2.

(78). Ency. Brit. "Navy".

(80). Traill 3-386.

(77). Ibid.

(79). Pepys Memoirs Navy 127.

(#). Pepys Memoirs Navy 8.

With the fall of the Stuart family the hostile policy of England, toward the United Provinces came to an end. Three great wars had been carried on by the English against the Hollanders. There was no possibility of a permanent sea peace between the two countries because in every part of the world, their merchants found themselves in opposition to each other. Each was aiming for the trade of the world and the virtual subjection of one country to the other was the only alternative. Although England later joined the Dutch in the wars against France, the continued enmity of the French King at last exhausted the resources of the United Provinces, which indeed depended primarily upon their interests at sea.

The naval supremacy of the Dutch at the time of the passage of the Navigation Act, no doubt rendered the distant possessions of England insecure.⁸¹ Colonial possessions in the 17th Century had to rest upon the command of the sea and without that protection they were only sources of weakness.⁸² But the possession of colonies was a necessary incident to the effectual growth of an exclusive trade; and the developement of an independent navy could alone make their retention secure and enforce a restrictive system.

The decline of the maritime supremacy of the Dutch was owing infinitely more to the disasters occasioned by the conquests

(81). Lindsay 2-198.

(82). Egerton II2.

of Cromwell, Charles II and Louis XIV than it was to the simple exclusion of their merchant vessels from the ports of England.⁸³

The Navigation Acts by themselves did not win England Naval supremacy, they were only a portion of a complete policy, which included the maintenance² of a state navy on a scale of organization and efficiency such as the world had never before seen.⁸⁴

(83). Ed. Review Vol. 38-

(84). Egerton 63.

The Restrictive System from 1688-1775.

At the accession of the Prince of Orange as King, England inherited a war which had been begun by Louis XIV against the United Provinces, in the year 1687. The long struggle which ensued taxed the resources of the government to its greatest capacity. To meet these financial difficulties, the Bank of England was finally established in 1694, its object being to put the hitherto promiscuous borrowing of money upon a more uniform basis. In addition to this, new duties over and above the usual ones were imposed on the imports of Great Britain for the reduction of Ireland,¹ and later to carry on the war against France itself.

The funds for the payment of additional duties and to take up the constantly increasing national debt could only be supplied by the commercial classes. The interests of these classes demanded that Great Britain should become a great sea-power with a great colonial commerce. It was therefore to be expected that the Navigation Acts should be consolidated and strengthened.² Therefore in a law passed in 1696, it was positively forbidden for any article to be exported or imported to or from English plantations to another, in any but ships of the build of England, Ireland or the colonies. The single

(1). 6 & 7 Wm. 3 C 7.

(2). Egerton II5.

exception was in the case of naval stores which could be imported in foreign built ships, navigated by Englishmen. It was also provided that the governors of colonies should take oath to faithfully administer the Navigation Acts upon pain of the forfeiture of 1000 pounds. Measures were adopted to prevent fraud and concealment of dutiable articles.

A practise had grown up in the colonies of carrying Enumerated Articles to other plantations, there paying the duty on them provided for in 1672⁺ and from thence exporting them to any part of Europe. In the above act it was provided, that notwithstanding the payment of this duty, all such articles must be imported into England, there paying the regular customs. Ships of the build of England, Ireland, Wales or the plantations which wished to enjoy the priveleges of English commerce must be registered and without proof of this, they should be forfeited as in the case of foreigners.³

The Peace of Ryswick in 1697 followed a long contested war. The English navy which had been inferior to that of France at the opening of hostilities gradually assumed control of the seas. Louis was busied with his affairs on the borders of France and could not give the navy the attention it needed, to cope with the English on the sea. The war ended by reducing the French everywhere to the defensive, and the two sea nations, England and Holland now united against France, gained commercial benefits which tended to the increase of their own sea power and the

(+). 25 Car. II C 7.
(4). Mahan 196.

(3). 7 & 8 Wm. 3 C 22.

consequent injury of France.⁴

The conflict between France and the northern allies, however, soon broke out again in 1702 over the question of the Spanish succession. The policy of William III was carried on by Queen Anne, and for 11 years the French King maintained the struggle.

In the mean time much attention was being paid by the English government to the colonial and commercial interests of the nation. In 1696 the control of the colonies was definitely taken out of the hands of a committee of the Privy Council, and transferred to the new Board of Trade and Plantations.⁵ A few years later an act was passed for the encouragement of the importation of naval stores from the plantations. This was very important to Great Britain. Hitherto the nation had been compelled to rely upon the countries around the Baltic for her naval supplies, which were brought in from those places at exorbitant prices. The wars which she had been engaged in for some time, and those in which she was to participate in the future were on the part of England largely naval, and it was essential and necessary that she should have a naval supply to be depended upon, and one sufficient for her constantly growing needs. In the act passed at this time, the fact was cited that the safety and strength of the kingdom depended very much upon the royal navy and the navigation of England. In order to make

{4). Mahan 196. .

(5). Egerton 116.

the government independent of foreign nations, and to induce a sufficient importation, naval stores were placed in the list of Enumerated Articles and a bounty offered to every ship importing them. This bounty was laid after the following rate: tar per barrel, 4 pounds, pitch per ton 4 pounds, rosin or turpentine per ton 3 pounds, hemp per ton 6 pounds, masts, yards or bowsprights per ton 1 pound.⁶

Moreover every person in the colonies destroying any pitch, pine or tar trees under 12 inches in diameter, were subjected to a fine of 5 pounds for every offense.⁶ This act did not immediately accomplish all that was expected of it, and in 1709 a supplementary act was passed making it lawful to apply 10,000 pounds for the employment of skillful men, and the furnishing of fit material, to carry on the occupation of raising naval stores in the plantations.⁷

In the following year provision was made for the preservation of the pine trees in the colonies of "New Hampshire, Massachussetts Bay, province of Main, Rhode Island, and Province Plantation, Narraganset country or King's Province and Connetticutt in New England and New York and New Jersey". It was enacted that no one should cut any pine tree fit for a mast, not being the property of some private person, such tree being of the growth of 24 inches in diameter upon pain of forfeiture of 100 pounds. The Surveyor General of His Majesty's woods was

(6). # & 4 Ann. C 10.

(7). 8 Ann. C 13 S 30.

authorized to mark with a broad arrow all such trees, to prevent their destruction.⁸

During the continuance of the war additional duties were laid upon many colonial imports, but they were purely temporary war measures and seem to have no connection with the Navigation Acts.⁹ One of these acts however adds molasses to the list of Enumerated Articles.¹⁰

In 1707, Scotland consented to an union with England and the English extended to their northern neighbors the commercial privileges which they had hitherto jealously guarded. The Scotch had already proved themselves good colonizers, especially in the West Indies, and no doubt one of the greatest inducements to union, was to secure additional opportunities for trade in the new world.¹¹

In 1713, the Peace of Utrecht ended the contest begun over the Spanish succession. The French had given up the struggle for the mastery of the seas after a single indecisive conflict, thereafter confining themselves wholly to a commerce destroying warfare.¹² The English under Rooke bombarded and carried by assault the weakly defended Gibraltar, and in spite of the efforts of France and Spain to retake it, the English retained it throughout the war, and by the treaty they secured definite possession of the greatest stronghold in the world.¹³ The English

(8). 9 Ann. C 17.

(10). 3 & 4 Ann. C 5 S 12.

(12). Mahan 209.

(9). 3 & 4 Ann. C 4.

(11). Egerton 137.

(13). Mahan 210.

were confirmed in the possession of New Foundland, Nova Scotia, and Port Mahon. France also recognized the right of the Hudson Bay Company to the territories claimed by them.¹⁴

Some years before the peace, England had secured exclusive colonial trading privileges from the Spanish faction which the British were maintaining in Spain. The treaty of Utrecht however, gave to the English, privileges which they had never before legally exercised. France had for some years been in possession of the so-called Assiento or contract with Spain, conferring upon her the exclusive right to carry slaves to the West Indies.[#] As a preliminary negotiation and a condition of treating for peace, this privilege was to be transferred to the English. In a separate treaty of March 26, 1713 France therefore resigned the Assiento and Spain conveyed it to Great Britain for 30 years. In accordance with its provisions, the English were allowed to carry annually 4800 African slaves to the West Indies and 2 ships a year were permitted to visit such Spanish possessions.⁺ The gaining of the right of the Assiento was perhaps the most popular in England of all the provisions of the treaty and to celebrate it, a Te Deum was sung in all the churches.¹⁵

England emerged triumphantly from the war. Up to that time she had been counted perhaps at times, the strongest, but

(14). Egerton
(#). Burton 222.

(15). Lecky I-138.
(+). Ibid.

oftener, no more than one of the sea powers. Now there could be no doubt that she was by far the greatest of maritime nations.¹⁶ Holland had been left hopelessly behind. France could not compete. Both the French and the Dutch had used up their energies in the continental campaigns, and both were lead in consequence to neglect their navies. As a result they were not able to secure their colonial possessions. and trade. England on the other hand, was able to better protect her trade from the destruction of French privateers¹⁷ and trade instead of diminishing, increased throughout the war.¹⁸

The importation of naval stores continued to be a subject for legislation in colonial regulation. In 1718, it was provided, that the premiums for the importation of tar, pitch, etc. should not be paid unless those articles were entirely free of dirt.¹⁹ Three years later the duty was taken off of hemp and it could thereafter be brought in free. The duty on wood, lumber, boards etc. except masts, yards, and bowsprights was removed. Premiums for the importation of tar were not to be paid unless it was made from green trees in the manner prescribed by law. The same law provided graduated penalties from 5 to 50 pounds for the destruction of pine trees above 12 inches in diameter, which were outside regularly organized townships.²⁰ In the same year copper ore was added to the list of

(16). Mahan 225.

(18). Egerton

(20). 8 Geo. I C 12.

(17). Mahan 229.

(19). 5 Geo. I C 2 S 16.

Enumerated Articles.²¹

The practise had grown up in the colonies of organizing townships, simply for the purpose of evading the provisions of the law against the cutting of pine trees. To remedy this, an act was passed in 1729 providing that, no white pine trees should be cut except those of the private property of individuals, notwithstanding their growth in organized townships. At the same time a new rate of premiums for the importation of naval stores was adopted. This was, masts per ton 1 pound, tar 2 pounds and 4 shillings, pitch 1 pound, turpentine 1 pound and 10 shillings.²²

One year later, in 1730, an act was passed permitting the exportation of rice from the province of Carolina, notwithstanding its enumeration, directly to any part of Europe south of Cape Finistere, by all persons which by law were entitled to carry it.²³ Five years after this the same privilege was extended to the province of Georgia.[#]

In 1731, the restrictions which had been laid upon the trade of Ireland in 1663 were partially removed. Ireland was henceforth allowed to import all colonial articles direct, in British ships manned by English sailors, except those in the list of Enumerated Articles.²⁴ Ireland had for some years been permitted to export linen cloth direct to the plantations duty free.²⁵

(21). 8 Geo. I C 18 S 22.
(23). 3 Geo. 2 C 28.
(25). 3 & 4 Ann. C 8.

(22). 2 Geo. 2 C 35.
(24). 4 Geo. 2 C 15.
(#). 8 Geo. 2 C 19.

With the increase in wealth and population in the colonies, *their inhabitants* ~~the colonies~~ began to set up sundry manufactures for woolen ~~and~~ articles. This naturally excited the jealousy of the English manufacturess and various complaints were lodged by them with the Board of Trade and Plantations, that the colonists were setting up and carrying on trades injurious to them and to the interests of the mother country. In consequence of this, the House of Commons in 1731, directed that the Board of Trade and Plantations should make a report with respect to the laws made, the manufactures set up, or trade carried on in the colonies, detrimental to the trade, navigation or manufactures of Great Britain. On the 15th of Feb. 1732, the Board of Trade made its report.²⁴

The conclusions of the board were based upon the reports of the govenors of the colonies, who had been asked regarding the state of ~~the~~ manufacturing in their provinces. The manufactures of New York, New Jersey, Pennsylvania, New Hampshire and Connecticutt were all reported very inconsiderable. There were some iron mines in Rhode Island but they did not supply one fourth part iron enough to serve their own use. No manufactures were mentioned. The govenor of Massachussetts Bay reported that the inhabitants of his province worked up their wool and flax into a course woolen and linen for their own use, but imported much more from Great Britain and did not themselves export any

such goods. He also reported that there were a few hat makers in marine towns, and that there had been for years^x, an iron works at Province supplying some of their needs. The iron imported from England however, was esteemed much the best and the work of Province did not supply the twelfth part of the demand.

The govern^{or}ors of the several colonies, aware of the object of the inquiries of the Board, may have returned answers as favorable as possible to the colonies in order not to excite the jealousy of the British merchants and manufacturers. At least, the Surveyor General of His Majesty's woods wrote, that there were in England 6 furnaces, 19 forges for making iron, and that many ships were made in the province of ^{New} for France and Spain in return for molasses, wines and silks. Great quantities of hats were made in New England and the Company of Hatters in London, had complained that great quantities of these were exported to Spain, Portugal and the West India islands.²⁷

The B The Board therefore concluded that, certain trades carried on, and manufactures set up in the provinces, were detrimental to the trade, navigation, and mann^ufactures of Great Britain.²⁸ It was moreover evident that these trades existed in the north~~ern~~ colonies, which was not to be wondered at, owing to their soil and climate. In conclusion, the Board submitted to the House of Commons, whether it might not be expedient to give these colonies encouragement to turn their

industry to manufactures, particularly to the production of all kinds of naval stores.²⁹

This report seems to have become the basis for future legislation. Restrictions were soon placed on those manufactures injurious to England, and encouragement was offered for the production of those articles which could not be supplied in the mother country. In accordance with this view, in order to encourage the making of hats in England, Parliament passed in 1732, an act to prevent the exportation of hats out of any colony in America and to restrain the number of apprentices taken by hat makers in such colonies. By this act, not only was the exportation of hats prohibited to foreign ports but their transportation from one colony to another was also prohibited under severe penalties. As stated in the act they were not to "be loaden upon any horse, cart or other carriage to the intent or purpose to be exported, transported² or shipped off. The act further provided that no person could make hats unless he had served an apprenticeship of 7 years, nor could any one employ more than two apprentices at one time.³⁰

In the same year, for the encouragement of the growth of coffee in Jamaica and other British plantations, the inland duty of 2 shillings per pound over and above customs on importation into England, was removed and 1 shilling and 6 pence per pound

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was to be charged and no more.

The year 1733 produced an act of some importance to the sugar growing colonies in the West Indies and to the colonists in New England. The latter had been carrying on a lucrative trade with the French West Indies,³² which on account of the liberal measures of the French government had usurped the sugar market of the world.³³ The English sugar plantations complained of this and the result was the so-called Molasses Act. This act provided that after Dec. 25, 1733, certain duties were to be paid upon the importation of the following articles from foreign plantations into American colonies: rum and spirits 9 pence per gal., molasses or syrups 6 pence per gal., sugars and paneles 5 shillings per cwt.^{note} Such duties were to be paid before being landed upon pain of forfeiture of the goods. After importation into England all duties on such articles were to be repaid upon reexportation within one year.³⁴

The duties laid in the above act were prohibitive in their nature and the northern colonies constantly evaded them³⁵ so that the law afforded little relief to the English sugar colonies. In 1739, in order to further secure the dependence, shipping and

(31). 5 Geo. 2 C 24.

(32). Egerton 142.

(34). 6 Geo. 2 C 13. See also 33 Geo. 2 C 28.

Note- Section 6 of 4 Geo. 3 C 15 reduces the duty on syrups and molasses imported from foreign into American plantations to 3 pence per gallon.

(35). Beer, Columbia University Studies vol. 3-63.

navigation of these colonies upon the mother country, and to afford them relief so as to be able to compete with foreign plantations, it was made lawful for any subject of England to carry sugars from the plantations to any foreign country, in ships built in Great Britain and navigated according to law. The commanders were however, compelled to enter into sufficient bond not to load any of the other Enumerated Articles (rice not mentioned) and to touch at some British port before proceeding to European ports. However, persons with a license could carry sugars south of Cape Finistere without touching in Great Britain.³⁶ Later, the privileges of this act were extended to all ships owned by His Majesty's subjects.³⁷

In the same year^{war} broke out again with Spain, nominally over the affair of Jenkin's Ear. The real cause of hostilities however, was cloaked in the conflicts which had taken place between the merchants and authorities of the two nations in the West Indies and Georgia.³⁷ In spite of the government's efforts in arranging a convention with Spain, the agreement was found to be impossible on account of the determined resistance in Parliament. A declaration of war was accordingly issued Oct. 19, 1739.³⁸ In the following year as a war measure against the Spanish and to secure the American trade in the British colonies, officers and seamen were allowed to have the sole possession

(36). 12 Geo. 2 C 30.
(38). Mahon 2-282.

(37). Mahon 2-267.
(#). 15 Geo. 2 C 33.

of prizes taken in any part of the world. Another act permitted Enumerated Articles to be imported into England, during the continuance of the war, by any one, providing they were brought in English built ships, manned according to law.⁴⁰

The treaty of Aix La Chapelle on April 30, 1748 again put an end to hostilities between England and her enemies. France was forced to give up her conquests on account of the lack of a navy. While the French succeeded in destroying almost as much commerce as did England, yet the fraction of French shipping, lost was very much greater than that of England. and meant much more grievous loss.⁴¹ The English navy while it was not used to its best advantage, numbered almost twice that of France, after 4 years of war with Spain. The number in the navy at this time was 90 ships of the line and 84 frigates, that of France 45 ships of the line and 67 frigates.⁴² The English also regained the Assiento right which had been revoked by Spain at the opening of hostilities.

The English government now began to give further encouragement to colonial articles imported from the colonies. The first of these was a provision allowing all persons a bounty of 6 pence per pound on indigo imported in lawful ships from the plantations in America.⁴³ Two years later in 1750, raw silk of the growth of those colonies was permitted to be imported free

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(39). 13 Geo. 2 C 4.

(40). 17 Geo. 2 C 36.

into London, entry being made of the same.⁴⁴

In the same year the customs then payable upon pig iron made in and imported ~~from America~~⁴⁵ from America, were removed in all parts of Great Britain. Bar iron imported into London was to be duty free also. The same act however provided that, "no mill or other engine for slitting and rolling of iron or any plateing forge to work with a tilt hammer or any furnace for making steel should be erected in the colonies upon pain of forfeiture of 200 pounds"⁴⁶. Violations of this provision were to be deemed common nuisances and the governors of provinces were empowered to enforce the above restriction. Some years later, bar iron was allowed to be imported into all English ports free of duty.⁴⁷ In 1751, these same privileges were extended to all imports of pot and pearl ashes from the plantations.⁴⁸

Once more the conflict between the two colonial rivals broke out in 1756. Hostilities between English and French colonists had been going on for two years before a formal declaration of war was made. In the battle for naval supremacy, France could scarcely hope to compete with England.⁴⁹ The French navy numbered at the opening of the war 63 ships of the line of which 45 were in fair condition. The equipment and artillery however were deficient. Even with the help of Spain, the

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|---------------------------|------------------|-----------------------|
| (41). Mahan 278. | (42). Mahan 259. | (43). 2I Geo. 2 C 30. |
| (44). 23 Geo. 2 C 20. | | (45). 23 Geo. 2 C 29. |
| (46). 23 Geo. 2 C 29 S 9. | | (47). 30 Geo. 2 C 16. |
| (48). 24 Geo. 2 C 51. | | (49). Mahan 291. |

combined fleet numbered no more than 112 and it may be doubted whether Spain's navy was worth the same number of English vessels. At the same time the navy of England numbered 130 ships of the line, and after 4 years of war, there were 120 ships actually in commission.⁵⁰ In one year alone the navy of France lost as prizes to the English 27 ships, besides 8 destroyed and many frigates. Even their own writers confess that their navy was totally ruined.⁵¹

The same good fortune followed English arms on the land. Both in India and America the French were practically driven from the continents. In the Definitive Treaty which followed, France renounced all claims to Canada, Nova Scotia, the islands of the St. Lawrence and the Ohio valley. In India too, the French surrendered all but a few ports. As a penalty for her participation in the conflict against England, Spain was forced to give up Florida.

During the war French commerce had been almost completely destroyed. The trading fleets of Great Britain, on the other hand, covered the seas. It was the boast of London merchants, that under Pitt's administration, commerce ~~was~~ ~~###~~ ~~###~~ ~~###~~ ~~###~~ united with and made to flourish by war.⁵² 8000 merchant vessels were employed by the merchants of England, to carry the trade from one part of the world to the other. The money which was drained

(50). Mahan 291.
(52). Mahan 297.

(51). Mahan 312.

out of the country by the conflict was returned by the produce of English industry, so that the people were satisfied with the outlays of war.

After peace had been regained, England at once turned to the subject of colonial legislation. The sugar colonies were yet in great need of more effective aid of encouraging their industries. The West Indian merchants were a strong and well organized body, and could bring powerful pressure to bear upon the English Parliament. The interests of these merchants being as a rule never in opposition to the industries of the mother country, were generally preferred as in the case of the Sugar Act, passed by Parliament in 1764.⁵³

There were other reasons for colonial regulations. England's possessions in North America had been enormously increased at the Peace of Paris, and it became essential that some means of defraying the expenses of a better organized government should be taken. It was moreover imperative that measures should be provided for the protection of the colonists. It is only necessary to point to the destruction and terror caused by Pontiac's war to show in what an unprotected state the colonies were. England therefore deemed it just that a revenue should be raised in the colonies for the defense and protection of her possessions, and the Sugar Act was intended to

(53). Egerton 168.

do this by imposing duties upon certain foreign colonial articles.

Contrary to many opinions held in the past, the money to be raised by these duties was not intended to go into the general Exchequer of the government. But as stated in the act itself all money raised by virtue of ^{it and} the Molasses Act of 1733 as well, except the necessary expenses (of collecting etc/ should be entered separate from all other money in His Majesty's ^{Exchequer} "and should there be reserved to be from time to time disposed of by Parliament toward defraying the necessary expenses of protecting and securing the British colonies and plantations in America". Other provisions in the act reinforce the rules regarding the Enumerated Articles. Exporters of wines from Great Britain to the American colonies were, with certain exceptions, to be paid a drawback on duties. No vessel was to be cleared out of England for any British colonies unless the whole cargo was shipped from Great Britain. Certain exceptions were made to this rule in foreign countries and in Ireland.

In the same year a higher bounty was granted on the importation of hemp and undressed flax from the colonies for the benefit of the royal navy and merchant marine. The navy was favored by allowing its commissioners the preemption or refusal of these articles, but if a contract was not made for them in 20 days, the importer was at liberty to otherwise dispose of

(#). Over
(+). Over.

(54). Over.

(#). The duties were laid after the following rate: every cwt. of white or clayed sugar of foreign American plantations

imported into any British American plantation should pay 1 pound and 2 shillings over and above other duties.

for every pound of such indigo, 6 pence,

for every cwt. of such coffee, 2 pounds, 19 shillings,

for every ton of such Maderias or other lawful wine, 7 pounds,

for every ton of Portuguese, Spanish or other wine (except

French wine) imported from Great Britain, 10 shillings.

for every pound of wrought silks, Bengals and stuffs of China,

Persia or East Indies imported from Great Britain, 2 shillings.

for every piece of calico, painted etc. in China, Persia, East

Indies imported from Great Britain, 2 shillings,

for every piece of foreign linen cloth called Cambric

imported from Great Britain, 3 shillings,

for every piece of French lawn imported from Great Britain 3 shillings.

There should also be laid upon coffee and pimento of the growth of the British colonies imported from thence to any other place except Great Britain in British ships for every cwt. of coffee

7 shillings, for every pound of pimento, 1-2 penny.

The duty imposed by the act of 1733 on molasses and syrups imported by English American colonies from foreign American colonies was lowered to 3 pence per gallon.

(54). These exceptions were: salt laden in Europe, Madeira wines, wines of the Azores and growth of those places, horses, victuals, linen cloth of and from Ireland.

(+). Every ton of such hemp or undressed flax imported by June 24, 1771, 8 pounds.

every ton of such articles imported from June 24, 1771 to June 24, 1778, 6 pounds.

Every ton of such articles imported from June 24, 1778 to June 24, 1781, 4 pounds.

his goods. In case of reexportation from England however, all premiums were to be repaid to the customs officers.⁵⁵

Another law permitted rice to be loaded on lawful ships in Georgia and South Carolina and carried direct to any part of America, south of those places, without touching at English ports. This liberty was to be enjoyed providing bond was given, not to load any other Enumerated Article except for the necessary provisions of the voyage. In order to prevent molasses and syrups from being fraudently carried into the American colonies, without payment of duties, section 5 of this act makes it necessary for every person shipping any Enumerated Articles or rice, to give security that all molasses and syrups taken on board shall be lawfully imported into a British colony or Great Britain.⁵⁸ In 1765 this provision was extended to every vessel sailing from a British American plantation.⁵⁹

The same year saw the passage of Grenville's unfortunate Stamp Act. The bill passed through Parliament without arousing much interest or opposition.⁶⁰ Not until American agitation against it, did Burke and his followers make its repeal a Whig measure and not until then, did they champion the cause of American rights with unceasing perseverance. The Stamp Act was framed in no spirit of hostility to the colonies. It was merely making further provision for defraying the expenses of colonial

(55). 4 Geo. 3 C 26.
(59). 5 Geo. 3 C 45 S 24.

(58). 4 Geo. 3 C 27.
(60). Egerton 192.

protection and in this was following the course laid down in the Sugar Act of the previous year. Moreover being similiar in many respects to existing laws in England, the English⁶¹ ministers doubtless did not anticipate the storm it was to raise in the colonies.

The act begins by citing the duties levied in the Sugar Act for the protection of the colonies, and asserts that it was "just and necessary to make provision for further defraying said expenses". In accordance with this, certain duties were to be levied upon all kinds of public documents, newspapers and almanacs. The collection of this money was to be under the management of the commissioners for stamp duties in Great Britain, who were empowered to select the proper officers and stamps. A penalty of 10 pounds was attached to all persons writing, printing or selling anything charged with duties before being stamped, and counterfeiting was punishable with death.

The money collected by the imposition of these stamp duties, as in the case of the Sugar Act, was, excepting the necessary expenses of collecting, to be entered separate from all other accounts and reserved for the purpose of defraying the expenses of colonial protection.⁶²

Referring to the subject of colonial protection, England anticipated that it was likely to be necessary to station

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regiments and companies of the King's army in certain parts of the American colonies. Parliament therefore made provision for suitably quartering them. First of all they were to be billeted in barracks provided by the colonies. If sufficient room was not found there, the remaining soldiers were to be quartered in inns, livery stables, ale-houses and victualling houses. In the event that these did not answer all needs it was made lawful for the goveñor of each province to appoint persons who should make fit uninhabited houses, out-houses, barns or other buildings. Commanders in chief were to give early notice to the goveñors of the respective colonies of the number of troops coming into his province, in order that quarters might be provided accordingly. This act known as the Quartering Act in American history, contains no provisions harsher than these of the annual Mutiny Act in Great Britain. The billitting of soldiers upon the houses of colonists was not permitted, and the private property of an individual was to be appropriated only after quarters in barracks and public houses had been exhausted. Any one aggrieved by having soldiers quartered upon him was to have relief by applying to the Justice of the Peace.⁶²

By previous acts the importation of naval stores had been encouraged, and it was now decided to offer a premium for the importation of other kinds of timber in lawful ships. This

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included deals, planks, boards and all kinds of squared timbers. All premiums however were to be repaid upon exportation of these articles from England.⁶³

The second act provides increased draw backs on the reexportation of refined sugars from Great Britain. The former drawback which had amounted to 12 shillings per cwt., was repealed and henceforth, a bounty of 14 shillings and 6 pence was to be paid for refined sugars in the complete loaf and for lump sugars duly refined. Bastards, ground or candy sugar was allowed a drawback of only 6 shillings and 4 pence.⁶⁴

The liberties formerly granted to South Carolina and Georgia to ship rice to any part of Europe south of Cape Finistere and to all parts of America south of these colonies, were extended to North Carolina. Vessels arriving in certain ports in Great Britain laden with rice, expecting to immediately reexport the whole cargo, were required to pay only 1-2 of the old subsidy which was not to be drawn back.⁶⁵ The duties payable upon the exportation of rice from the colonies was to be reserved in the royal exchequer for the defense of the colonies.⁶⁶ A few years later, the provinces of East and West Florida were permitted to send rice direct to parts of Europe south of Cape Finistere⁶⁷ and by a still later act they gained all the privileges of Georgia and the Carolinas.⁶⁸

(63). 5 Geo. 3 C 45 S I-6.
(66). 5 Geo. 3 C 45 S I9,20.
(68). II Geo. 3 C 39.

(64). Ibid, sects. I4-I6.
(67). IO Geo. 3 C 3I.
(65). Over.

(65). For every hundred, containing 6 score of deals, planks and boards, not less than 10 feet long, 10 inches broad and 1 & 1-4 inches thick, imported by Jan. 1, 1769, a bounty of 20 shillings was to be paid.. For every load containing 50 cu. ft. of squared timber of all kinds, not less than 10 inches square imported by Jan. 1, 1769 a bounty of 12 shillings was to be paid. For every hundred of such deals, boards and planks imported from Jan. 1, 1769 to Jan. 1, 1772, a bounty of 15 shillings to be paid. For every load of such timber from Jan. 1, 1769 to Jan. 1, 1772 a bounty of 8 shillings was to be paid. For every hundred of such deals, planks, and boards imported from Jan. 1, 1772 to Jan. 1, 1775 a bounty of 10 shillings was to be paid. For every load of such timber imported from Jan. 1, 1772 to Jan., 1775 a bounty of 5 shillings was to be paid.

(#). These ports were Plymouth, Exeter, Poole, Southampton, Chichester, Sandwich, and Glasgow. 12 Geo. 3 C 60 S 10 extends the privilege to Bristol, Liverpool, Lancaster and Whitehaven.

The privilege was extended to Ireland of importing British American iron and lumber direct from the colonies.⁶⁹ By an act of the same session salted beef, pork, bacon and butter might be imported free except for certain salt duties. No drawback was to be allowed on the reexportation of these articles to other places.⁷⁰ The American colonies were also given the privilege of sending all kinds of corn and grain, with the exception of rice, into Great Britain without payment of duty.⁷¹

After a short existence during which time it had stirred up the colonies against the mother country, the Stamp Act was repealed by the Whig ministry of Rockingham which succeeded Grenville.⁷² The execution of the law had been thwarted in all parts of the colonies. In some of them an organization grew up known as the "Sons of Liberty" which pledged itself to oppose the collection of duties in whatever way possible. Several riots resulted and customs officers were forced to resign their posts. Contemporaneous with the repeal however, an act was passed declaring that the colonies had been, and were subordinate to England, and that the full power to make laws for them was vested in the King and Parliament of Great Britain. Any resolutions adopted in the colonies denying such authority were to be null and void.⁷³

(69). 5 Geo. 3 C 45 S 22.

(70). 5 Geo 3 C I.

(71). 6 Geo. 3 C 3.

(72). 6 Geo. 3 C II.

(73). 6 Geo. 3 C 12.

The Whig ministry also tried to improve upon the Sugar Act passed two years previous, and all duties imposed by it upon molasses and syrups of foreign American growth, upon wrought silks, Bengalls and stuffs, calicoes, cambrick and French lawns, were repealed. the duty on molasses and syrups was reduced to 1 penny per gallon which was to be levied upon all such articles entering the colonies, except those of the growth of Jamaica upon which no duty was to be charged. The duty upon British coffee and pimento, imported into British colonies, remained the same. In case the same was ware-housed and exported to Great Britain within 12 months, no customs in the colonies was to be charged. ^{with} The same privilege was extended to foreign sugar, coffee and indigo providing such sugars and indigo should be under the same regulations as British American indigo and coffee and providing such coffee should be taken to England, Ireland, or any other place of the King's dominions, except the American colonies. All these articles both of foreign and British growth, which had been ware-housed in America and imported according to law into Great Britain, were to be free of duty. All sugars imported from the British American colonies however, were henceforth, to be deemed French sugars and upon being taken into England, were to be charged 3 pence per cwt. for ware-housing. In the event that they were not reexported

(#). By 7 Geo. 3 C 41 S 6 a drawback of the duties upon the exportation from Great Britain of British American coffee and cocoa-nuts was allowed.

the remaining part of the duty was to be collected.

Instead of imposing a new duty upon wrought silks, bengalls and stuffs and calicoes brought into the colonies, an additional subsidy of 12 pence for every 20 shillings value of such goods, was to be levied when imported and sold in Great Britain. Foreign cambrick and French lawns shipped to the colonies was to be charged 3 shillings for every piece and this was to be paid before the goods were taken from the warehouse. Foreign cotton-wool was allowed to be imported free of customs into the British West Indies in lawful ships. No duty was to be imposed in the British plantations for any sort of cotton-wool exported from thence, nor for importation into England in British built ships.

Lastly the act provides that all vessels loading non Enumerated Articles in British American ports, should give bond not to land any of the same in any part of Europe, except Great Britain and the ports of Spain within the Bay of Biscay. A later act corrects a mistake and extends the same privileges to Ireland.

Two Statutes passed in 1766 and 1767 permitted the free importation into England of wheat, flour and indian corn. These laws as well as the one allowing Ireland to import certain provisions into England, were continued from year to year.

(74). 6 Geo. 3 C 52.

(75). 7 Geo. 3 C 2.

(76). 7 Geo. 3 C 4.

(77). 8 Geo. 3 C 3.

(78). See 5 Geo. 3 C 1.

Furthermore the duty on rice, sago powder and vermicelli from North America was removed for a limited time. Rice however upon reexportation from England was to pay 6 pence per pound. In order to increase its ⁱⁿ ~~ex~~portation into Great Britain the duty upon the exportation of logwood to foreign parts was removed, providing it was shipped in British built vessels.

By reason of smuggling and constant evasion of duties, the collection of customs in the colonies, was attended with many difficulties and few results. Duties and customs had indeed been imposed in the Sugar Act and the Stamp Act but practically nothing could be done to execute the laws. It therefore became the policy of the English government to impose smaller duties as in the case of molasses and syrups, so as to make their payment uniform and render smuggling unprofitable and unusual. In accordance with this idea, the collection of the customs and the execution of all laws relating to trade in the colonies, was taken out of the hands of the commissioners in England and transferred to the management of commissioners resident in the colonies. It was hoped that these measures would in the future lead to the better execution of colonial regulations.

Immediately the English ministry made another attempt in 1767 to raise a revenue in the colonies for their defense. These duties were to be levied upon glass, lead, tea, painted

(79). 7 Geo. 3 C 30. This was continued from time to time by 12 Geo. 3 C 32 and 13 Geo. 3 C 7 etc.

(80). 2 Geo. 3 C 47 S 7.

(81). Ibid, sects. I, 2.

colours and all kinds of paper imported from Great Britain into America.⁸² The duty fixed upon tea in this act was 3 pence per pound.⁸³ By an act of the same session the whole duty, amounting to nearly 12 pence per pound payable upon tea at its importation into Great Britain, was to be drawn back upon being carried to America.⁸⁴ The practical effect of these provisions then was that, the people in England paid 12 pence per pound duty, the colonists 3 pence, and while the people in England drank tea at 6 shillings a pound, the Americans supped theirs at 3 shillings.⁸⁵

It was further provided by this act that all tea should be exported to Ireland and America in the original package. Moreover in case any deficiency should arise in the revenues because of the discontinuence of old duties on tea and the allowance of the drawback of all duties, the East India Company was to make good the deficiency.⁸⁶

So ill chosen were the articles selected for revenue that Lord North's ministry, on April 12, 1770, repealed all duties on glass, lead, painted colours and paper on the ground that they discouraged commerce between Great Britain and America.⁸⁷ This left only the duty of 3 pence per pound on tea in the original act to assert the right of the mother country to impose a duty upon American imports from Great Britain.[#]

(82). Over.

(84). 7 Geo. 3 C 56 S 2.

(86). 7 Geo. 3 C 56 S 4.

#). Over.

(83). Egerton 208.

(85). Egerton 208.

(87). 10 Geo. 3 C 17.

(82). They were levied after the following rate:

Glass, plate, flint or white	4 shillings, 8 pence per cwt.
Glass, green,	1 shilling, 2 pence per cwt.
Lead, red and white,	2 shillings, . . . per cwt.
Painted colours,	2 shillings per cwt.
Tea, - - - , - - - - -	16 pence per cwt.
All kinds of paper,	various.

(82). 7 Geo. 3 C 46.

(#). The Supreme Court of Justice was to have authority to issue writs of Assistance empowering customs officers to enter any house, warehouse or shop in order to search for uncustomed goods. The money collected was to be applied in the first place, in making provision for a better administration of justice and to support a civil government in those colonies where necessary. The remainder was to be reserved for colonial protection and defense.

In the mean time so much confusion had resulted in the affairs of the colonies under the powerless authority of the Board of Trade, that it was decided to create a new office to be known as the Secretary of State for the American Department. The usual ill luck of the ministers, however, dogged them in the selection of Lord Hillsborough for the place, and affairs went on no better in the future.

In 1768 certain drawbacks upon foreign iron and rough hemp were repealed. As in the case of hemp and undressed flax⁸⁸ no pig or bar iron, masts, yards, bowsprights, tar, pitch or turpentine were henceforth to be reexported from Great Britain unless the preemption was first offered to the commissioners of the navy.⁸⁹ A premium was also to be given for the direct importation into the port of London of all silks from the colonies in lawful ships.⁹⁰ The same was to be repaid to the customs officers, over and above duty, in case of reexportation.

Other statutes in 1768 and 1770 permitted the free importation into England from the colonies of raw hides and skins,⁹¹ and of unmanufactured woods,⁹² fit for cabinet makers, without payment of any subsidy. Moreover a substantial^{bounty} was offered for the lawful importation into certain ports of Great Britain of pipe, hogshead and barrel staves and headings, which bounty⁹³ was to be gradually lowered from 1775 to 1781. These bounties

(88). 4 Geo. 3 C 26.
 (90). Over.
 (92). II Geo. 3 C 41.

(89). 9 Geo. 3 C 35.
 (91). 9 Geo. 3 C 39.
 (93). Over.

(90). The bounty was to be laid after the following rate:
For every 100 pounds value imported from Jan. 1, 1770 to Jan. 1, 1777 - 25 pounds.
For every 100 pounds value from Jan. 1, 1777 to Jan. 1, 1784 - 20 pounds.
For every 100 pounds value imported from Jan. 1, 1784 to Jan. 1, 1791 - 15 pounds.
(90). 9 Geo. 3 C 38.

(93). These ports were. London, Southampton, Poole, Exeter, Plymouth, Bristol, Liverpool, Whitehaven, Glasgow, Leith, Hull, Newcastle and Yarmouth.
The following was the rate of premiums offered:
For every 1008 hogshead staves to Jan. 1, 1775 - 6 pounds
For every 20004 barrel staves to Jan. 1, 1775 - 6 pounds.
For every 1200 pipe staves to Jan. 1, 1775 - 6 pounds.
For every 3006 pipe, hogshead or barrel headings to Jan. 1, 1775 - 6 pounds.
From Jan. 1, 1775 to Jan. 1, 1778 like quantities to have a bounty of 4 pounds.
From Jan. 1, 1778 to Jan. 1, 1781 like quantities to have a bounty of 2 pounds.

were to be repaid in case of reexportation.

In order to get a better supply of seamen for the royal navy and merchant marine, an act of 1770 provided that merchant ships and other trading vessels might be navigated by foreign seamen, providing their number did not exceed 3-4 of the whole crew, notwithstanding the Navigation Act of 1660. This provision was to remain in force until Feb. 1, 1772.

The importation of tea which had so much to do with the beginning of the Revolutionary war was now changed from one extreme to another in a most ridiculous manner. The East India Company by reason of the former provision requiring it to make good any deficiency in the revenues because of the drawback of the whole duty ⁹⁴ in England was compelled to pay over a large sum of money. The company claimed that they could not continue to do this and in 1772 the drawback was suddenly changed to 3-5 of the whole duty. This did not give sufficient relief either, and the next year it was superseded, and henceforth the whole duty was again to be drawn back. ⁹⁵ It differed however from the act of 1767 in that it does not apply to tea exported to Ireland and that the company is not required to indemnify the nation for any decrease in the revenue resulting. The company was moreover permitted to export to America any quantity of tea that they thought proper. Accordingly several ships loaded

with tea were despatched to American ports.

Americans had by this time concluded that a test was to be made of their submission to the payment of tea duties. On Dec. 16, 1773 citizens of Boston dressed as mohawks entered the ships in the harbor and threw the whole cargo of 342 chests of tea into the sea. This act of lawlessness was only the climax of a series of disturbances which had been taking place in the colonies ever since the passage of the Stamp Act in 1765. In order to stir up opposition against that law, organizations known as the "Sons of Liberty", pledged themselves to resist its execution in whatever means possible. In several places mob violence resulted and customs ^{officers} were forced to resign.

Upon the passage of the Townshends acts in 1767, resistance was again started against the collection of duties, in Massachusetts. Finally the House of Burgesses in Virginia, on May 16, 1769, started a movement for non importation agreements which was finally assented to by every colony. To check the disturbances in Massachusetts, Governor Bernard finally decided in March 1768, to call for troops. Two years later a trifling affair took place in the streets of Boston, which has come down to posterity under the imposing name of the "Boston Massacre". Following this were such affairs as the destruction of the revenue cutter Gaspee off the coast of Rhode Island on June 9, 1772. These disturbances which only lead up to the greater one of the destruction of the private property of the East

India Company in Boston harbor on Dec. 16, 1774, determined the ministry to make an example of the lawlessness in Massachusetts and in Boston in particular. The first of a series of five acts therefore, closed the port of Boston after June 1, 1774 to everything except military stores, fuel and victuals. When however it should appear that reparation had been made for the destruction of property in the tea party and obedience to laws restored, the King was empowered to reopen the port.⁹⁴ The second act passed May 20, 1774 made it lawful in Massachusetts to remove cases to other provinces or to Great Britain whenever the governor deemed a fair trial could not be had in Massachusetts.⁹⁷ The next act passed upon the same day annulled the charter of Massachusetts and ordered that the council should henceforth be made up of inhabitants of the province, nominated and appointed by the Crown.⁹⁸ The fourth act provided for the better quartering of His Majesty's troops in America.⁹⁹ The fifth and last act extended privileges of freedom of worship to the French Catholics in Quebec~~s~~ province and substituted a simple oath of loyalty for the Act of Supremacy of 1558. They were moreover allowed to retain the old French laws in matters of controversy.¹⁰⁰

After several preliminary trade restraints¹⁰¹ and following the affair of Lexington and the battle of Bunker Hill, England at last concluded that it would be necessary to subdue

(96). 14 Geo. 3 C 19.
 (98). 14 Geo. 3 C 45.
 (100). 14 Geo. 3 C 83.

(97). 14 Geo. 3 C 39.
 (99).
 (101). 15 Geo. 3 C 10 and
 15 Geo. 3 C 18.

the rebellious provinces. On August 23, 1775 George III issued
a proclamation against the rebellion,¹⁰² and following this an act
of December 22 cut off all trade and intercourse whatsoever
with the colonies across the sea.¹⁰³

(102). Adolphus 2-256.

(103). 16 Geo. 3 C 5.

General Conclusion.

The history of the commercial policy of England in the 17th and 18th Centuries was the developement of a system of restriction. Cromwell's act of 1651 gave the impetus for the immediate renewal of the attempt to procure the ascendancy in the carrying trade of the world. The law, as passed by the Commonwealth, was in every sense a preliminary one. It made provision for the exclusive importation of all colonial products in British shipping but said nothing with regard to exportation from England, either to Europe or other parts of the world. With the exception of two important changes in 1660, the act of 1651 was reenacted.

In the first place, the imports and exports of English colonies were thenceforth to be the exclusive right of British shipping, and secondly, certain products of the colonies known as Enumerated articles were to be carried to no other place except England. Later provisions required the registration of the ships, sailors and cargo of all vessels touching English ports.

The policy of the restrictive system not only included a monopoly of the exports and imports of English possessions, but it looked toward supplying their need of finished products from Great Britain. England expected the colonies to supply her with the raw material, while the plantations in turn should depend

upon the mother country for manufactured articles. However, as the colonies developed in wealth and population, it became natural that they should direct their attention to manufacturing some things, the materials for which they often had in great abundance. In order to retain her exclusive right to supply these wants, England was forced to pass laws prohibiting certain manufactures in her colonial possessions.

In this restriction the chief hardship fell upon the northern colonies. In the south there was no incentive whatever to manufacturing, for they could supply themselves from England in finished articles with the money they received from southern products, much cheaper than to manufacture for themselves. The industries of the southern plantationsttherefore, never came in conflict with those of Great Britain and never suffered from the prohibitive legislation, directed against the plantations, as did the northern colonies. There the climate and soil made their industries incline toward the same as existed in England, which brought opposition from British manufacturers.

The Navigation Acts succeeded in that for which they were intended. They transferred that great body of England's shipping which had up to 1650 been in the hands of the Dutch to the merchant marine of Great Britain. The tonnage of England in the time of Elizabeth was 72,450 tons. At the restoration in 1660 it was 95,266. After the Navigation Acts had been in force for

15 years it had increased to 190,533. From that time forward the increase was steady. In 1700 the shipping numbered 273,693, in 1750-609,798 and at the beginning of the American Revolution, 798,864 tons. This included only the registered shipping.¹

At the time of establishing the Navigation Acts, the amount of foreign tonnage cleared out of British ports was equal to 1-2 that of the English. In 1700 it was somewhat less than 1-5, and in 1750 but little more than 1-19.² During this time the value of England's exports and imports were increasing very rapidly, being checked only at times by the continental wars. In 1700, the total amount of exports was 7,302,716 pounds. In 1724, it reached 11,352,480 pounds and from 1750 to the American Revolution, it varied from 13 to 18 million pounds. The value of imports during the same periods was less, and the balance of trade was nearly always in favor of England by several million pounds.³

Several things were very important to this immense growth of English shipping and commerce, and among them the possession of colonies was perhaps the most essential. It would have been of little consequence to England to restrict her imports and exports to her own shipping, had she been compelled to rely upon the markets of Europe; for the policy of every other nation likewise restricted its imports and exports to their own merchant marine. In that case, England could have exported only

(1). Sheffield 136.
(3). Anderson 4-692.

(2). Sheffield 137.

those things which were absolutely necessary for foreign consumption and imported none but those products which could not be had in England. Colonies were therefore, a necessary incident to the successful carrying on of a restrictive system. The products of the plantations were needed in England while the mother country stood ready to supply the provinces with that which could either not be had there, or which could ~~not~~ be produced to much better advantage in Great Britain. This of course as already mentioned could best be done ~~wherever~~ the difference in climate did not lead either to produce that which was ~~supp~~ supposed to come from the other.

A rough comparison will suffice to show the condition in which the colonial possessions were. There were certain things in which they undoubtedly sustained a loss. It is plain that the restriction of the carriage of colonial articles to English shipping resulted, temporarily at least, in an increase in freight rates. This was probably not permanent however. Moreover it is equally true that the enumeration of certain articles and the requirement ~~that~~ they should be shipped only to Great Britain resulted in a decrease in the money received for them. Little complaint of this policy however, was ever heard in the colonies and it seems likely that trouble between England and her colonial possessions would have been put off indefinitely, had nothing more than these commercial regulations intervened. Such a system was recognized and practised by every

of any importance in trade.

But there were elements to show that there was after all, a real interchange of services between the mother country and her possessions beyond the sea. It became the policy of England, not only to admit the products of her colonies free of duty, but even to offer substantial ^{bounties} for their production and importation into Great Britain. Moreover the whole duty was often drawn back on those articles required to be sent to England, upon reexportation to other places and the enumeration of these articles did not work such a hardship them. In some cases even, the drawback in England of duties on articles reexported from Great Britain, permitted as in the case of tea, the consumption of those articles cheaper than the people of England could themselves buy them. Besides this, to encourage the growth of tobacco in the colonies, that article was forbidden to be raised in England.

The colonies were, moreover, under the protection of the mother country. England was paying out annually great sums of money to provide a navy fit to secure the plantations from foreign interference. The appreciation of this fact ought not to be underestimated. England's commerce began to grow at the same time that her navy began to be of importance. It was asserted in the Navigation Acts preceding 1651 that they were passed for the purpose of increasing the navy and navigation of England.

In the minds of the rulers of that time, it was essential to increase navigation and trade, in order to provide for a better navy. This idea has prevailed ever since in the conception, that it is necessary for a country to have a large merchant marine, from which to get a sufficient supply of seamen for the navy. But the thing that characterizes English commercial history since the time of Cromwell, is the fact that while developing a carrying trade, it was deemed essential at the same time to encourage a fighting navy. From the time of the first Dutch war, colonies and the possession of their trade, had to be jealously guarded from the encroachments of other nations. Nothing but the power upon the sea to retain it could have ever secured a colony like Jamaica, in the midst of the Spanish Main, from seizure by other powers, much less the exclusive possession of its trade. In the 17th and 18th centuries, the danger of seizure of merchant vessels by the ships of other nations was very real, and some could scarcely be distinguished from pirates and buccaneers, who in themselves constituted no small menace. In the end it may be said, that England's system of commercial restriction was not essentially different from that of Spain, except that that of Spain failed because of inability to protect it, and that of England succeeded because it was secure from the interference of other nations.

By the Peace of Paris in 1763, England came into

possession of the French colonies in America. On April 12 of the following year Benjamin Franklin wrote that it was possible that the Crown might think it necessary henceforth to keep troops in America to defend the colonies; and that Parliament might establish some revenue arising out of American trade to be applied toward supporting those troops.⁴ The Sugar Act and the Stamp Act were immediately passed to answer the needs of colonial protection and they furnish the first serious attempt to impose duties upon the colonies. The agitation which followed, baffled the incapable English ministers in every attempt to lay such customs in America. Finally the opposition took definite form in the destruction of tea in Boston harbor and England had to choose between giving up the right of colonial regulation and of coercing the colonies into submission. The Revolutionary war was the result.

(4). Smyth 4-238f

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